

# ***STAFFORD COUNTY PLANNING COMMISSION MINUTES***

## ***June 1, 2011***

The meeting of the Stafford County Planning Commission of Wednesday, June 1, 2011, was called to order at 6:36 p.m. by Chairman Gordon Howard in the Board of Supervisors Chambers of the County Administrative Center.

MEMBERS PRESENT: Howard, Rhodes, Fields, Hazard, Mitchell, Kirkman and Hiron

MEMBERS ABSENT: None

STAFF PRESENT: Harvey, Smith, Stinnette, Zuraf, Ansong, Forestier, Ennis and Hornung

### DECLARATIONS OF DISQUALIFICATION

Mr. Howard: Are there any declarations of disqualification from any of the Commissioners? Hearing none, does anyone want to make a motion to adopt this evening's agenda as written?

Mr. Mitchell: Motion, Mr. Chairman, for adoption of the existing agenda.

Mr. Howard: Is there a second?

Mrs. Hazard: Second.

Mr. Howard: Any discussion? Hearing none, I'll call for the vote. All those in favor of adopting this evening's agenda as written signify by saying aye.

Mr. Fields: Aye.

Mrs. Hazard: Aye.

Mr. Mitchell: Aye.

Ms. Kirkman: Aye.

Mr. Hiron: Aye.

Mr. Howard: Aye. Opposed nay? Okay, that brings us to Unfinished Business, item number 1 which is the reclassification of Clift Farm Quarter, which is a proposed reclassification from A-1, Agricultural Zoning to P-TND, Planned Traditional Neighborhood Development.

### UNFINISHED BUSINESS

1. RC2900108; Reclassification - Clift Farm Quarter - A proposed reclassification from A-1, Agricultural Zoning District to P-TND, Planned Traditional Neighborhood Development Zoning District to allow a planned urban development, including a mix of commercial and residential dwelling units with neighborhood amenities, on a portion of Assessor's Parcel 38-124, consisting of 141.40 acres. The property is located on the east side of Jefferson Davis Highway approximately 1,250 feet south of American Legion Road and along Eskimo Hill Road, within the Aquia Election District (Falmouth Election District under the recently adopted

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election redistricting). **(Time Limit: August 16, 2011) (History - Deferred at May 18, 2011 Meeting to June 1, 2011 Meeting)**

Mr. Zuraf: Good evening Mr. Chairman, members of the Planning Commission; Mike Zuraf, Principal Planner with the Planning and Zoning Department. This case was deferred after your last meeting on May 18<sup>th</sup> after the public hearing that was held on May 18<sup>th</sup>. At the meeting, several issues were raised by the Commission, as well as you did receive several comments from staff in the staff report. And in your memo, all those issues are listed out and you did receive an attachment to the memo that is basically in the form of a spreadsheet from the applicant that provides their initial responses to those issues. And the applicant is here to kind of go over their responses to those issues. And also to let you know, tonight you should have received at your desk a copy of the applicant's PowerPoint from that public hearing at the last meeting. Within the PowerPoint, the last slide had the table of proffered contributions and the specific amounts. I think that was something that was requested that you all wanted to have and we didn't provide that, and so you have that as part of the whole PowerPoint presentation of theirs from that meeting. And at this point I'll leave it for any questions or otherwise turn it over to the applicant to address... for them to address the issues.

Mr. Howard: Thank you Mr. Zuraf. Let's see if there's any questions of staff before we bring up the applicant. Ms. Kirkman?

Ms. Kirkman: Mr. Zuraf, thank you for getting us a copy of the PowerPoint slide. The very last slide which lists the value of the contributions... are any of those cash proffers or are they all in kind proffers?

Mr. Zuraf: They are all in kind proffers.

Ms. Kirkman: Thank you.

Mr. Howard: Any other questions of staff? Mr. Zuraf, have we ever accepted in kind proffers previously?

Mr. Zuraf: Yes.

Mr. Howard: Okay. Alright, we can hear from the applicant.

Mr. Leming: Mr. Chairman, members of the Planning Commission, good evening. I'm going to... I think you all should have in your packages...

Mr. Howard: For the record, Mr. Leming, would you identify yourself.

Mr. Leming: I'm sorry. I'm Clark Leming; I'm here on behalf of the applicant, D. R. Horton. And I'm sorry, Mr. Giganti, the fellow from Horton, could not be here this evening. He'll be at future meetings though. And he was at a meeting today that we had with Mr. Hirons and other staff. You should have in your package a tabulation that we put together and have been working with staff on indicating status of different questions and what we have done or will be doing in response to the issues that have come up. There have been some changes to that so I would like to hand around an updated version of that, and the updates are highlighted in yellow.

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Mr. Howard: So, there's changes since this was...

Mr. Leming: Yes, since you all received what you have there. We were... our effort was to try to get something into staff last week so that they could send it out in your packages but then we've continued to try to refine the responses and have had some more information to add. This is not set up in any particularly priority. What we've tried to do was to capture all of the comments that were made by staff and those that were made by members of the Commission and then prepare a response to that. So, I'll go through them in order. First... and these go from the specific to the sublime so I apologize for not having them in a little better conceptual order here... a change to the regulating plan, the T-6 transect zone to include T-1 segment adjacent to A-1 property. No problem with that; we will make that change. It was one that staff had asked that we consider. Ms. Kirkman and the staff asked about the timing of the development that would be specifically the phasing of the commercial with the residential. There may have been one other Commissioner that made reference to that as well. What we have agreed to do, and we'll change the proffers to do, is what is shown, highlighted in yellow. Perhaps more important, before I get to that, is the rationale for it. D. R. Horton is strictly a residential developer; they don't do any commercial at all. So, they will be seeking to acquire a partner to do the commercial portion of this development. In two other instances in the County, known to me because I did the zonings on them, Leeland Station and Amyclae, which is by the Rodney Thompson Middle School and just adjacent from Augustine. We had proffers where there was phasing between the commercial and the residential so that after a certain number of units, commercial would be delivered, commercial would be, and depending on whether it's Leeland Station or Amyclae, commenced or completed in the case of Leeland Station. In both of those cases, proffers had to be amended because at the time the commercial was supposed to go under the original proffers, there was simply no demand for it. In the case of Amyclae we actually got to the point of building a commercial office building that had no tenants for a period of about two years. But that was the compromise position under the proffer. D. R. Horton does not want a situation like that. So we have tried to come up with a way that will provide incentives for the commercial development without putting the residential developer in the position where they have to come back at some point in time if the commercial doesn't materialize according to our current crystal balls at this planning time. D. R. Horton can control the access to the commercial they are the ones who are going to be constructing the road. This is a four lane road that will come off of Route 1 with the improvements that are proffered on Route 1 will come through the commercial site and taper to two lanes as it comes to the residential portion of the property. That will be in place by a specific unit number, I believe the hundred and forty-first residential unit. Those improvements will be in place so the access to the commercial will be there. D. R. Horton will also prepare the pad sites and we have referred to this as not rough but intermediate grading, so that the pad sights are essentially ready to be built upon. The access to those pad sites will be there off of the spine road so in that respect they are amenable to provide every incentive for the commercial developer to come on and actually make those improvements as well. Bottom line and the lesson of the earlier experiences is that the commercial comes when there is sufficient residential to justify it. I don't know where that point is here or whether it is dependent upon other residential developers along Route 1, other commercial developers along Route 1 but we don't know exactly where that point is. The commercial will be available it is developable but D. R. Horton is not willing to say that by a particular residential unit number there will be this number of square feet of commercial actually on the ground. Now if there is something else that the Commission would like us to look at, they will do that. In Mr. Giganti's defense I will say on this issue and one other, he actually went to corporate headquarters to get some sort of feedback in response to the issue that had been raised. And this is corporate Horton's position, that they simply cannot tie their portion of the development to the... to a commercial portion of the development that they will not control. So we

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will construct those proffers; we're happy to... we'll revise those proffers. We're happy to consider anything else along those lines that you'd like us to look at.

Ms. Kirkman: Mr. Chair?

Mr. Howard: Yes, Ms. Kirkman.

Ms. Kirkman: Could I ask some questions about that? So, what the applicant is willing to proffer is only that by the completion of... by the issuance of the 400<sup>th</sup> dwelling unit, out of 600 dwelling units proposed... so, after two-thirds of the dwelling unit building permits have been authorized, not that the commercial be built but that some of the infrastructure will be in place.

Mr. Leming: Well, there are two parts to it, and one is already in your proffers. One is that the spine road will actually be constructed by the 141<sup>st</sup> residential unit; that's not included in your summary here. So the spine road will be here. There's nothing magic about the 400<sup>th</sup> unit; that seemed to be what Mr. Giganti was comfortable with. If the Commission wants us to consider another unit number to have the pad sites available, then I think he would consider something like that. But those are the two provisions that the proffers would feature that we're proposing at this point.

Ms. Kirkman: So the bulk of the building permits for the residential will be issued before the majority of the infrastructure is in place. And all of the building permits for the residential could be issued and there could be actually no commercial actually in place.

Mr. Leming: You know, you're so good with these leading questions. The short answer to that is that... is no. What Horton is willing to do is by a particular residential number to have the particular commercial infrastructure in place. It's not all the infrastructure by any means for the development. When you use the term infrastructure, you seem to suggest we're talking about something beyond what's necessary for the commercial. There is infrastructure that's necessary for the entire development; a road system that's necessary for the entire development. The narrow answer is simply what we've said. So you can ask another question but I think we've explained it.

Ms. Kirkman: Sure... by infrastructure, I mean, you've got construction of water and sewer lines, commercial entrances and completion of the intermediate grading of the site, but I don't see a commitment to actually building a single square foot of commercial building.

Mr. Leming: That is correct. Horton is not amendable because they are not going to own or control the commercial portion of the development.

Ms. Kirkman: Because they're a residential developer.

Mr. Leming: That's correct.

Ms. Kirkman: Thank you.

Mr. Leming: Alright. Now with regard to the next issue that was raised by Ms. Kirkman, this had to do with tying, or at least committing, some portion of the jobs to Stafford workers. This also went to Corporate Headquarters; they believe that this is going to subject them to some liability. They will not permit anything along those lines. I think if you want to discuss some of the assumptions... because

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all this came up in the context of the economic analysis that was prepared. Dr. Bellas is here tonight so to the extent that that's what this is really tied to, the assumptions underline the economic analysis, then perhaps it would be appropriate to have Mr. Bellas elaborate further on the basis for the assumptions (inaudible).

Mr. Howard: Well, I think is analysis wasn't exclusive to hiring companies in Stafford County; I thought the analysis, by and large, talked about the overall impacts...

Mr. Leming: Yes, that's correct.

Mr. Howard: ... in the County and region for that matter, as he explained it.

Mr. Leming: That's correct, yes.

Mr. Howard: I'm not sure if there's additional questions or not but your answer is pretty black and white that the corporate office is not signing up to...

Mr. Leming: Reserving a particular number of jobs for Stafford-based workers or businesses.

Ms. Kirkman: Mr. Chair, I do have (inaudible).

Mr. Howard: Yes, Ms. Kirkman.

Ms. Kirkman: You say corporate office will not allow, but corporate is the applicant, correct? It is D. R. Horton that is the applicant.

Mr. Leming: Yes, but it's not Mr. Giganti who was here last time.

Ms. Kirkman: Right, but he's not the applicant, D. R. Horton is, and the applicant is not agreeing to this, correct?

Mr. Leming: That is correct.

Ms. Kirkman: And, so, essentially although there is an economic analysis that says there'll be all these jobs and money spent in Stafford, we have no guarantees at this point that that will happen.

Mr. Leming: Absolute guarantee, no. Strong likelihood, yes. Alright number... next item.

Mr. Howard: But I don't think... again I don't think the financial analysis had a specific number of Stafford County residents to be employed.

Mr. Leming: No it didn't.

Mr. Howard: I am not sure that that is the right answer to that question. I don't think that was ever part of the analysis. I think that was an overall impact.

Mr. Leming: No and I was limiting my response to the specific question that Ms. Kirkman raised. It is not what... you are correct it is not one of the basic assumptions underlying the economic analysis.

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Or the conclusions of the economic analysis, that we seem to go a little bit askew on last time but Ms. Kirkman raised the question about whether or not we would be willing to make this particular proffer and the answer to that narrow question is no.

Mr. Howard: But you are not excluding hiring people from Stafford.

Mr. Leming: Oh of course not.

Mr. Howard: Who bid the job and...

Mr. Leming: Yes. There is an absolute strong likelihood that there will be many Stafford workers here. It's the problem of sitting aside a particular quota or number that would be reserved for Stafford workers, and that was the gist of Ms. Kirkman's question.

Mr. Howard: And I thought Mr. Giganti had explained that most of the time, just from a time and labor perspective it is certainly more economical for them to hire...

Mr. Leming: Yes.

Mr. Howard: ... as local as possible.

Mr. Leming: Yes, very much so and he talked about the travel time was one of the reasons...

Mr. Howard: Right.

Mr. Leming: ... that they look closer to the actual development.

Mr. Howard: And then he cited some other best practices that other companies had deployed in an effort to gain their business.

Mr. Leming: And market tends to work fairly well to ensure that a lot of the jobs are local. There is a strong incentive financially for Horton to do that. There is a strong incentive for workers locally to line up so that they can obtain these jobs. They are probable in the best position to bid for them because of their proximity to the job. So often that is how it actually works out.

Mr. Howard: Okay.

Mr. Leming: Alright, on the next one... this is something you've already had no problem with adding the cash proffer alternative to the improvements to Eskimo Hill Road and Route 1. We were asked if for any reason the right-of-way can't be obtained within a certain period of time. Well we can't do the improvement before we give the cash to the county. So we broke that into two parts. Number one was the actual physical improvements the other was an additional amount for the acquisition of right-of-way which is based on actually an inflated amount of what we think the necessary property would be worth to make the right-of-way improvements at that intersection... improvements at that location. Let's see Mr. Rhodes asked specifically about the dedication of the eighty foot right-of-way. We had seventy feet, no problem with that. We are going to the eighty feet and all of these things will be reflected in revised proffers. There are a couple of reason you don't have revised proffers in front of you tonight. We will talk about a couple of outstanding issues in a moment here, one that we worked

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on today. Mr. Howard asked about a provision for a FRED bus stop, a shuttle bus possibility going from the commuter parking lot. We are looking at that to try to get some sense for a couple of things. Number one is the basic cost of it, so we are trying to get some feedback from FRED about that. The other is the relative contribution that the residences within Clift Farm would make to the need for that connection for the commuter rail station. So those are two issues that we are still investigating. Mr. Hirons asked about the inter-parcel connection. You may recall that one of the owners of the land adjacent was here and spoke at the public hearing and we are going to revise the regulating plan to show the easement for that inter-parcel connection. We will set it up so that in the event it becomes activated it can actually be conveyed, dedicated for public right-of way should that become necessary. So it would not just be private easement but would be set up so it could be a public road. Now back to the commuter parking and this could have been organized a little better. The commuter parking lot we were asked to consider a cash proffer alternative in lieu of us actually building the parking lot. So we will set up the proffer so that if the county should be able... our land is two miles from the Brooke Station, we can put a commuter parking lot of course that begs the question well how do you get from the commuter parking lot to the commuter rail station? Should the county have additional land that is available, we will take that same construction cost for the commuter parking lot we are proposing and simply give the county that amount for construction at another location. On the flight zone, I think staff was to get in touch with the airport authority to see if they had any further comments. We're not anticipating anything significant because they have reviewed and we've been able to move forward at least as far as they're concerned with previous larger iterations of development on this property that did have a more significant impact on the flightways coming into the airport. Let's see... Mrs. Hazard asked about the pedestrian connection and I think we have a slide to illustrate that. How do I (inaudible)?

Mr. Zuraf: Computer please.

Mr. Leming: Okay. This... I hope you can read this. This does show a pedestrian... is that your arrow Mike?

Mr. Zuraf: Yes.

Mr. Leming: Okay, good. This shows a pedestrian connection all the way through the property. This is not the precise location. We will proffer to a pedestrian connection in the approximate location, but obviously this would require some engineering. This would run all the way out from the commercial center, would roughly parallel the spine road through the development, the pedestrian trail would then cross Eskimo Hill Road and go into, you may recall, this back portion of the property is what is shown and to be dedicated for the soccer-plex. So it would actually be a pedestrian trail all the way through the development to the soccer-plex and then would go back along the back edge of the property and tie back into Eskimo Hill Road; so, all the way from Route 1 to Eskimo Hill Road at the very back of the property. Now, within the development, keep in mind that this is a TND development, so this is a pedestrian trail specifically designed to get people to the soccer-plex. But in addition to that within the development, as a TND development, there are a network of connections of essentially sidewalks. The TND Ordinance requires that everything be connected by sidewalks, so all of the streets have... what is the width of the... is there an ordinance width of the sidewalk? Five feet? Five foot sidewalks that would provide for additional pedestrian connectivity.

Mr. Hirons: Mr. Chairman, one quick question?

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Mr. Howard: Mr. Hirons?

Mr. Hirons: The pedestrian trail goes down and connects to Eskimo Hill Road?

Mr. Leming: Yes.

Mr. Hirons: And I apologize if it's in here somewhere... is that portion of Eskimo Hill going to have sidewalk on it out of this project?

Mr. Leming: Not at this point. We don't run the trail along Eskimo Hill Road. At this point... in fact, I don't think under your Master Plan... tell me if I'm wrong Jeff... I don't think under your Master Plan I'd still connect it as a rural connector. I don't think that's shown for sidewalks at any point. Conceivably what could happen here is that other... there could be additional extensions of the pedestrian trail to be used as a bike path also that could actually go all the way out to the commuter rail station. That would have to parallel Eskimo Hill Road as it gets off of the property. On the property, I don't think we're particularly committed; it's important to be able to get pedestrians I think to the soccer-plex but, you know, if there's room, we, from a topographical standpoint, I think it'd be fairly easy to reserve an area for pedestrian access along Eskimo Hill Road as well. So that part of the connection we could be responsible for. So what I'm proposing is that if the Commission would like us to look at it, we can see if we can actually have the trail along Eskimo Hill Road, along the portion of Eskimo Hill Road that we control, that crosses the property.

Mr. Hirons: I think that would (inaudible).

Mr. Leming: It just wouldn't go anywhere at this point.

Mr. Hirons: I think that'd be worth looking at but my first initial thought is stop it at the soccer-plex.

Mr. Leming: Oh.

Mr. Hirons: (Inaudible) down to Eskimo Hill. Because one of my concerns about that is there is a couple parking areas that could be utilized by folks going to take their kids to the soccer fields and I don't think we really want that to happen. We want them to use the parking lots around the soccer and having a trail that leads to the back end of the soccer complex might encourage folks to use the jail parking, there's an open field there, and one of these properties off to the east that folks, if they can, if it's easier, they're going to park there whether we want them to or not. We have a lot of issues with parking and users parking in adjacent parking lots.

Mr. Leming: Sure. Whatever the Commission would like us to consider.

Mr. Hirons: My preference would be to stop it at the soccer-plex.

Mr. Leming: Okay. We certainly don't have any issue with that.

Mr. Howard: Well, perhaps we should understand the vision of the walking path.

Mr. Leming: Yes.



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Mr. Howard: It sounds like the rest of that is just an extension of really a trail to walk through. What will be left is open space no doubt. Is that correct or...?

Mr. Leming: It will. I think the thought, our thought, was that ultimately it could connect to something else along Eskimo Hill Road. And, you know, two miles... it's certainly possible to ride your bike from this development to the commuter rail station, so I think our...

Mr. Hirons: I don't think today, and it's not a part of our Master Plan I don't think to have a bike trail. I don't think we'd want to put pedestrians or bikes on Eskimo Hill Road.

Mr. Leming: Well, not until Eskimo Hill Road... I'm not suggesting that, I'm just suggesting that you... we were just proposing... it doesn't matter to us, we were just proposing to do our part of it so that that could be done.

Mr. Hirons: My first initial is we're either putting pedestrians onto Eskimo Hill Road here or we're giving them access to the back end of the property (inaudible).

Mr. Howard: Well, you're crossing Eskimo Road. Isn't it just a crossover?

Mr. Leming: Yes.

Mr. Howard: Okay, is that right?

Mr. Leming: That's correct. The back part, we cross over Eskimo Hill... where did your arrow go Mike?

Mr. Hirons: Down.

Mr. Leming: Yes, we actually cross Eskimo Hill Road here we simply tie into Eskimo Hill...

Mr. Hirons: And that is fine, that is not what I am talking about. I am talking about the...

Mr. Leming: You are talking about this part.

Mr. Hirons: ... towards the bottom right-hand corner.

Mr. Leming: Yes. And you simply want us to terminate at...

Mr. Hirons: That is just my initial thought seeing that.

Ms. Kirkman: Mr. Chair.

Mr. Howard: Ms. Kirkman.

Ms. Kirkman: My suggestion would be that the applicant proffer and easement and that the easement not be constructed until there is additional walkways. I mean it is absolutely absurd that we have got a TND two miles from a VRE station and there is absolutely no pedestrian or bike access to the VRE station.

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Mr. Leming: We are happy to... that is one agreement we can...

Mr. Howard: Okay.

Mr. Leming: ... accept. Something that we can accept that is proposed there.

Mr. Howard: Sure.

Mr. Leming: However you want to do it. And as I say we... I think we were actually looking at this a little more like Ms. Kirkman was, that this would be something for the future and...

Mr. Howard: Right.

Mr. Leming: And at some point there it might be desirable to have that connection. Alright now... hopefully Mrs. Hazard that addresses the issue that you had at the last meeting. There is a way to get to the soccer-plex from the development and beyond at some point. On the school site, the next comment has to do with the public landfill, the school site. As we indicated... as I indicated at the last meeting we have shown two areas on the property that could be used as school sites. There are two potential twenty acre land bays. It is perfectly alright with us and we have changed the proffer to broaden it a bit so if that is what the county decides to do with this portion of this two hundred and sixty-two acres use it for that purpose. We have stopped shy of saying this particular area of the parcel shall be utilized for an elementary school site because that is not part of the comp plan narrative. If the county decides in its wisdom that that is how it wants to use some of the acreage, we think that ought to be the county's decision. The proffer is open ended so basically you can use these two hundred and sixty-two acres for any institutional purpose. So we think that is the best way, the most flexible way at this point to address the comment from the School Board staff. Mr. Rhodes asked for a proffer regarding the connection to the soccer area and we are going to give you a proffer that will categorically state that the access road from Eskimo Hill will be constructed at the same time that any particular phase of the soccer-plex is built out. And we are still... we will come to that issue in more detail in just a moment. We did meet with a group this morning about the soccer-plex generally and what it is the county would like us to look at there. And that is the next comment because that probably is the most lengthy discussion here, let me cover these others relatively quickly. I believe Mr. Hirons also asked about the hardware for the swimming pool. We will give you a proffer to that effect so you will have the... such things as the starting blocks, I assume hardware means ladders and things too but I don't think that was a concern. But yes there will be ladders. Utilities had asked for a proffer to build particular projects identified in the Utilities memo. We are... we have prepared and will give to staff along with these other proffer revisions a proffer that agrees to construct the particular projects that the Utilities Department has identified. They would be set up under the county's pro-rata program so that the builder, whoever the first one is, the one that has to do the actual construction is eligible for the pro-rata credits. That is the county's program and they will be constructed at such time that those facilities are necessary to serve the property. So we are not simply going to build them... we are not agreeing to build them from the outset whenever the service is required, whenever we need additional capacity either for water or sewer or fire flow and that is how the proffer is stated. At that point and it is going to be in our interest to do this at a point prior to that time so we don't lose any time building these things, but when it becomes evident that the need is there then we will build these projects. Fire and Rescue had asked for automatic sprinklers in the commercial and residential buildings. We will... the proffers are going to be revised for the... in the commercial buildings it is controlled by code. In certain residential units it's controlled by code, townhouses, apartments on the

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single family home we are going to offer those as an offer... as an option to the buyers only on the single family. On... let's see further down on Fire and Rescue...

Mr. Howard: Ms. Kirkman.

Mr. Leming: Yes,

Ms. Kirkman: So when you say you are going to proffer to offer automatic sprinklers as an option to the buyers...

Mr. Leming: For single-family.

Ms. Kirkman: For single-family.

Mr. Leming: Detached single-family.

Ms. Kirkman: Detached single-family.

Mr. Leming: Yes.

Ms. Kirkman: So what does that mean for the other housing types?

Mr. Leming: They are all controlled by code.

Ms. Kirkman: So there is... so for the single-family detached when it is offered as an options, who pays for that option?

Mr. Leming: The buyer.

Ms. Kirkman: The buyer. So the applicant is proffering to allow the buyer to pay for something?

Mr. Leming: Well yes, ultimately the buyer pay for a lot of this, but yes it would be an option for the buyer that the buyer could purchase.

Ms. Kirkman: But we don't need a proffer for that, right? The buyer can purchase anything they want.

Mr. Leming: Well, what the proffer goes to is the requirement that it would be offered to the buyer. Otherwise Horton would not have an obligation to do that. Now in your other home types it is controlled by code anyway. We don't have any trouble with the proffer, with the other housing types and the commercial it is just a proffer that only tells you what is required legally anyway. So the only real variation on it has to do with the single-family detached units. The fire signal is no problem. The installation of the signal interruption pre-emption device and we have no problem with the firefighting stand pipe system in the commercial buildings over two and a half stories. Now that... those were the combination of the staff comments and the questions that you asked us to examine at the last meeting. I do want to report, and Scott you may want to talk about this also, we did have a meeting this morning with the Director of Stafford Parks and Recs, Mr. Hirons and also representatives from the Stafford Soccer Association. Both one of their corporate officers and also their executive director, I believe is his title. And the objective was to try to get some sort of consensus for what the county wants us to do

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with the soccer-plex. Some of the comments at the last meeting were maybe rather than fifteen finished fields, which is what the comp plan narrative talks about and these are not fields that are either irrigated or lit. But what we talked about was the possibility of providing some fields that would be irrigated, some fields that would be lit, some fields may have artificial turf. The county representative, the Director of Parks and Recs, indicated some concern about the ability of the county to maintain 15 soccer fields from the outset and would prefer, I think the preference you correct me if you think I mischaracterizing, I think the preference was to have somewhat fewer fields that would be less of a maintenance issue but have the irrigation, the lighting and possibly the artificial turf on those fields. There was also discussion of the fields that are in the CIP, which I am sure you all are familiar with, that would be built out presumably at some other location on land yet to be purchased. And that would be funded with bond money from the county's parks and rec's bond referendum. We talked about trying to consolidate these efforts. We have shown 15 fields here but there is room and actually the comp plan narrative asks for room for additional playing fields. We have showed you the two land bays that would facilitate 20 acre school sites, there is also additional land even around the soccer-plex that we have shown conceptually on the plan that you saw last week. So to the extent that this is determined to be a good location for a soccer-plex within the county, I think there was general consensus on that, at least that it is centrally located and that it has access, it will have... it will be served by two roads that it may make more sense for the county at some point to consider not buying other land and actually having more fields at this location and using the, what was described as a figure somewhere well in excess of \$2 million that was going to be used to purchase other land to actually contribute to the improvements that would be available for these fields. Lighting in the county will require a conditional use permit that is not presently part of this application that would have to come at some later point in time. Some of you may recall that was because of the history out at Willowmere and the concern about the lights that were proposed at that location. So because of the height they would come to the Commission and the Board for a decision in that context. What we concluded at the meeting is that we would put together specific estimates and some more detail on the fields that were proposed. Because what we are going to do is actually provide the appropriate improvements to the soil that would be necessary for better grass growth on the playing fields that we are proposing. We are going to look at the irrigation costs, the Department of Parks and Recs is supposed to help us with some of these costs for instance on the artificial turf fields and then basically we have got to budget. It is going to cost X number of dollars to do the grading, it is a big number if you looked at the economic study, but to do the grading and actually build out the fields if the county wants some sort of rearrangement or the county wants a proffer that would be flexible and say we can... you can decide at this point in time whether we do plan A or plan B or plan C, then we are happy to look at that. And we are also hopeful that at the time we get to the Board of Supervisors, if not before, that we will have some sort of... the Department of Parks and Recs will have some materials together that would actually examine the possibility of what the county could do with the money that it would save by not going out and purchasing more land and using those funds to actually improve some of these fields at some point as well. I think the thinking was that these fields are likely to come sooner than the fields contemplated under your CIP. Mr. Segar indicated that would be about 2016 before he thought they would actually see playing fields under that proposal. If D. R. Horton has its way these would come somewhat sooner. At least the first and second phases of those fields, in fact substantially sooner. So... anything else that... so we are going to reconvene. We are going to get additional information together, reconvene, see if we can craft a...

Mr. Hirons: Yes the only thing I would disagree I think you said something along the lines of there was a desire for or you seemed to indicate there was an agreement that fewer fields is what we want

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with less maintenance, which that was a general sense but that was not a stated desire result of the meeting necessarily. I think that is the general sense that we are heading...

Mr. Leming: Yes.

Mr. Hirons: What we found was this is going to be kind of a complex equation to figure out what is best for the county in terms of long term maintenance costs and need as well as what is best for the users of rectangular fields and their needs. Both the applicant, I think was sent off to do some homework on cost information as well as I think SASA happen to be the invites to this meeting and we may want to make a slightly larger effort to get some of the other user groups of rectangular fields involved. SASA just happens to be the largest user group, I think they represent roughly 3,000 families here in the county...

Mr. Howard: You have lacrosse besides football.

Mr. Hirons: ... of youth sports so I think they do speak with some authority and know what they are talking about on use and so their need is to come back with some information about what benefit do they get out of a say a synthetic field over a turf field in terms of number of days of use and number of games and practices that can be held on that as opposed to a turf field. There was a lot of great discussion and I really appreciate the parks department was able to come out as well. The one thing that I stated during this meeting was we do want this to be a first class facility when it is complete. I was a little disappointed the applicants' representative, not Mr. Leming, but the...

Mr. Leming: The Horton fella.

Mr. Hirons: ... D. R. Horton was, why am I held as a developer to a higher standard than necessarily parks and rec was...would be, which I don't know if I necessarily agree with but I want to be clear that, and I think it was clear from this meeting that we do want this to be a... we want the county to know what they are getting at the end of the day with these and that they are sustainable, they can be maintained and they can be paid for.

Mr. Leming: And I think Mr. Giganti indicated that was what he wanted to see too. And if they were going to do it, it would be a good project.

Mr. Howard: Can I add two comments to that? And these are really for staff. Mr. Zuraf can you get a cost estimate, I guess it is in the budget somewhere for Pratt, Patawomeck, Duff and Smith Lake? So what does it cost the county on an annual basis to maintain those parks? I would like to see that and then could you do some homework, there is a soccer complex that is actually in Rock Hill South Carolina, it is a few miles from Winthrop University. And I could never understand why they built this complex because the residents in the area are mostly senior citizens and they don't use the facilities at all but yet they paid for it in their tax dollars. But what it does is it brings, I believe, about \$15 million a year in revenue into that county. Because people travel from all over the east coast and kind of meet there as a central locations and there is tournaments and there is leagues and there is all types of activity that takes place and in that particular county, in Rock Hill benefits tremendously. I am not sure if that is an option so I don't think we should be so focused on our own counties use of the field. Is there a bigger better opportunity to raise revenue for the county? As well as provide outstanding first class fields.

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Mr. Hirons: One thing I would like to add is there was a lot of discussion about this, the rectangle field complex that is part of the voter approved bond referendum and I think it is hitting the CIP now. It is already on, I don't recall. And how it is associated or could be associated with this facility, I think that discussion ends up probably above our pay grade. That is probably a discussion that the applicant is going to end up having with the Board members and I don't know how we will necessarily deal with that, but that will be continued discussion and the Board I think will probably have to make decisions on that at some point.

Mr. Howard: Yes, sure.

Mr. Leming: I think our objective would be to try to keep as many options open through the proffer so that additional things can be added and the county can decide to go a different way as some point in the future.

Mrs. Hazard: Mr. Chair.

Mr. Howard: Yes.

Mrs. Hazard: Just along that same lines, and I think Mr. Hirons eluded to it. To making sure that we have reached out to user groups who will be using this and I know we have dubbed it as a soccer complex but there are a lot of different...

Mr. Howard: Uses.

Mrs. Hazard: ... uses that that could be used for that I don't want us to limit in such a way and I am not trying to mischaracterize it but I think while we are here looking at all the options we just need to make sure all user groups are consulted and I just wanted to place that out there.

Ms. Kirkman: Mr. Chair could we get clarification were there any use groups besides SASA that were at this meeting?

Mr. Howard: No, that was mentioned. That was clear.

Ms. Kirkman: Okay.

Mr. Leming: And the only reason they are shown as soccer fields, is because that is what your comp plan narrative shows.

Mr. Howard: Correct. But we recognize that those rectangular fields and those sizes are conducive to football and lacrosse...

Mr. Leming: Sure.

Mr. Howard: ... and other types of activity that would be more than welcome to occur on those types of fields.

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Mr. Leming: Some of you may recall that some of the prior iterations of this development there were multi-purpose fields and baseball fields that were actually show as part of the plex. So we are not wedded to any particular type of field here.

Mrs. Hazard: And Mr. Chair, it does say in our comp plan 15 completed athletic fields and I think we have pushed it towards soccer fields but I think we were somewhat general but we are also trying to react to the uses and I know that soccer is huge. But like I said I still want to make sure that we do include all user groups to make sure we get the best product.

Mr. Howard: Absolutely. So the to do is to come back with a revised proffer? And then staff has...

Mr. Leming: Yes. We are going to... we had hoped to set up another meeting with the expanded group that met today and devise a proffer that would be used for the soccer proposal... the athletic field proposal and will include all these other proffer revisions and get them in to staff so that they have a chance to review them before they come back to you. There is a possibility that... let's see as I understand it we will just stay on your unfinished business agenda and your next meeting is going to be in two weeks.

Mr. Howard: Well, we will see what the will of the Commission is.

Mr. Leming: Yes, okay.

Mr. Howard: But typically we have done that if the will of the Commission is to allow this to stay as unfinished business to June 15<sup>th</sup>, then that is the will of the Commission.

Mr. Leming: Okay. But I will... that's right. But what I was going to say is that may be pushing us a bit in terms of getting this group back together. It is probably more likely that it would be... we would be ready to go with revised proffers at your next meeting.

Mr. Howard: That would be July 13<sup>th</sup> because we...

Mr. Leming: Miss a meeting.

Mr. Howard: ... miss a meeting due to the holiday.

Mr. Leming: Okay. We can do everything we can and we will see if we can possibly reconvene our group and get our numbers together in time to get back to you on the 15<sup>th</sup> and at least give you a status report.

Mr. Howard: That might be wise. This way at least on the 13<sup>th</sup> of July we are not hearing everything at one time.

Mr. Leming: Okay, we will be happy to do that.

Mr. Howard: Is that the will of the Commission?

Ms. Kirkman: I actually have some additional questions.

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Mr. Howard: Sure.

Ms. Kirkman: If now is...

Mr. Howard: Yes, now is the time.

Ms. Kirkman: So in the discussions that have taken place so far has the applicant revised the proffers to make any cash proffers for the capital cost of the schools associated... needed to support these new homes?

Mr. Leming: All of the adjustments to the proffers that are proposed I have discussed.

Ms. Kirkman: So there is no cash proffers that have been added for the schools or for libraries or for law enforcement or fire and rescue? Because that issue was raised...

Mr. Leming: I can reiterate what I said at the last meeting in response to that.

Ms. Kirkman: Right.

Mr. Leming: But nothing has changed.

Ms. Kirkman: Okay.

Mr. Leming: Okay.

Ms. Kirkman: And the... there is the potential for about six hundred and fifteen thousand dollars in cash if the county chooses which comes out to about a thousand dollars per unit. And my request of staff would be could we get what the number is for if the applicant were to follow the county's cash proffer guidelines. Could we get what the cash proffers might be based on the types of units and the number of each type of unit? Thank you.

Mr. Howard: Thank you. So is the will of the Commission to bring this back as unfinished business? Is everyone good with that for the next meeting?

Mr. Leming: Okay, and we will do everything we can to have...

Mr. Howard: That would be wonderful.

Mr. Leming: ... the proffers to you at that time, as many as we can get down.

Mr. Howard: Okay, thank you.

Mr. Leming: Thank you all very much for your time.

Mr. Howard: That brings us to item two...

Mr. Leming: Oh excuse me... I am sorry. Let me hand out just for your information, there was a question last time and I remember I did not put it on my list. And I think this came from Ms. Kirkman



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too. This is a letter from Dominion Power about the use of the easement for parking. Let me just... I will just leave copies of this with you.

Mr. Howard: That would be great.

Mr. Leming: We don't anticipate since they are zoning applicant that will be any issue.

Mr. Howard: Okay.

Mr. Leming: (Inaudible, not speaking in to microphone).

Mr. Howard: So you can leave those behind and we will not move on to item two, which is the comprehensive plan. Thank you, Mr. Leming. Comprehensive Plan Implementation Plan, which is Mr. Zuraf. You have four minutes Mr. Zuraf.

2. **Comprehensive Plan: Implementation Plan (History - Deferred at April 6, 2011 Meeting to April 20, 2011 Meeting) (Deferred at April 20, 2011 Meeting to May 4, 2011 Meeting) (Deferred at May 4, 2011 Meeting to May 18, 2011 Meeting) (Deferred at May 18, 2011 Meeting to June 1, 2011 Meeting)**

Mr. Zuraf: Okay. Good evening again. Okay the implementation plan item has been a carry over the last few weeks. Staff has provided the Commission the draft of the implementation plan. We recommend that it become part of Chapter Seven of the Stafford County Comprehensive Plan Document 2010 to 2030. The attached draft does include modifications that we have made based on comments received from other departments. It is mainly... a lot of the changes were to the second part, the table on action... the action list timeline. We generally add the specific departments to some of the responsibilities as responsible entities. We adjusted the timing and completion dates of several of the tasks and added this information to a few tasks that have not been completed before. So all those changes are highlighted in red on your document and at this point I will answer any questions but also not that if the Commission is satisfied with the changes that they provided, we recommend the next step of forwarding this on to the Board of Supervisors for them to look at and refer back to the Planning Commission for a hearing. So I will turn it back to you.

Mr. Howard: Thank you Mr. Zuraf. Good job on this. I appreciate the effort that went into it. I know it was fairly tedious, but you... I think you captured 85% of what we needed to, so good job.

Mr. Zuraf: Thank you.

Mr. Howard: I don't know if there are questions of the Commission. I will bring it back to the Commission. Are there questions of staff on the implementation plan? The request is that we forward this to the Board of Supervisors for their review in the hopes they would forward it back, we could hold a public hearing at some point and then actually make this part of the Comprehensive Plan. Anyone willing to make that motion then?

Mrs. Hazard: I would be happy to make that motion since this was something I felt very strongly that we have an implementation plan in our comp plan so I would like us to, let's see are we referring it?

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Mr. Howard: Referring it to the Board of Supervisors for their review, to refer back to the Planning Commission to schedule a public hearing.

Mrs. Hazard: So it is a request?

Mr. Howard: Yes.

Mrs. Hazard: Okay.

Mr. Mitchell: Second.

Ms. Hazard: I... thank you.

Mr. Howard: Oh I am sorry.

Mrs. Hazard: Nope that is correct.

Mr. Howard: Mr. Smith, are we good on that?

Mr. Smith: I think refer a request would be equally...

Mr. Howard: Okay.

Mr. Smith: ... appropriate. I think it will express the Commissions' sentiment.

Mr. Howard: Alright, discussion?

Ms. Kirkman: Mr. Chair?

Mr. Howard: Ms. Kirkman?

Ms. Kirkman: I am going to oppose the motion. I don't support the Comprehensive Plan as it was passed and so I certainly don't support an implementation plan for it. So I am going to oppose the motion.

Mr. Howard: Okay.

Mr. Fields: Likewise Mr. Chair. With all due respect to the work that went into it I do appreciate that. But I can't support implementing a plan I don't think is good for the county.

Mr. Howard: Okay. Any other comments?

Mr. Hirons: I just have one and it is actually a... just a technical part of the plan. The table, action list timeline. Is there a key for the responsible entity?

Mr. Zuraf: No, we can add that in.

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Mr. Hirons: I think that would be useful just as a thumb through. I apologize for not bringing that up sooner.

Mr. Howard: Any other discussion? Hearing none I will now call for the vote. All those in favor of forwarding the implementation plan to the Board of Supervisors for their review and recommending it back to us for a future public hearing signify by saying aye.

Mr. Hirons: Aye.

Mrs. Hazard: Aye.

Mr. Rhodes: Aye.

Mr. Mitchell: Aye.

Mr. Howard: Aye. Opposed nay?

Mr. Fields: Nay.

Ms. Kirkman: Nay.

Mr. Howard: The motion carries 5 to 2. Thank you.

Mr. Zuraf: Okay, thank you.

3. Rappahannock River Overlay District and Potomac River Overlay District (Referred back by Board of Supervisors) (**Time Limit: October 6, 2010**) (**History - Deferred at June 16, 2010 Meeting to August 18, 2010**) (**Deferred at July 21, 2010 Meeting to September 1, 2010**) (**Deferred at September 1, 2010 Meeting to October 6, 2010 Meeting**) (**Deferred - Requesting additional time from Board of Supervisors**)

NEW BUSINESS

None

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**7:30 P.M.**

PUBLIC PRESENTATIONS

Mr. Howard: Okay we are now at the public comment portion of our meeting. At every Planning Commission meeting the public has an opportunity to address the Planning Commission on any item that is not a public hearing this evening. There are four public hearings. One of the public hearings is the Aquia Hilton Extended Stay Hotel the next public hearing is an Amendment to the Subdivision Ordinance. There is also a proposed Amendment to the Zoning Ordinance and then there is a second proposed Amendment to a Zoning Ordinance. So if you are here tonight and you want to speak on any of those public hearing items, this is not the time where you would come forward. You would come

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forward during each public hearing so we could hear your comments. So anyone wishing to address the Planning Commission on any item not as a public hearing this evening may do so now by stepping forward to the podium. We just ask that you state your name, you address and when the green light comes on you have three minutes to address the Planning Commission. When the yellow light flashes you have about a minute and when the red light flashes we ask you to conclude your comments and allow the next speaker to address the Planning Commission. As always we will not address each speaker individually. We will try to get answers where we can at the end of the comment session. Anyone wishing to address the Commission may do so now by stepping forward to the podium.

Mr. Zuraf: Computer please.

Mr. Waldowski: Paul Waldowski. I brought you today the commuter lots that I promised you last time and I just wanted to show you how we used the horizontal use and I always hear the excuses that we can't use vertical stuff because it is four times the amount of cost. Next slide please. Here is a 21<sup>st</sup> century way of using a commuter parking lot. If you look at the perimeter of the parking lot it is all got slots in it. The only thing that would make that a little bit better is to make it vertical and I will show you some examples in the upcoming slides. But if you notice the center is using a central lane that is marked off so the cars come in side by side. It uses the space much more efficiently and you know while we bring in all those new commuters from Spotsylvania, we can keep track of them easier. Next slide, please. You see even in New York in the 20<sup>th</sup> century they figured out how to stack cars. Isn't that amazing? But I forgot to tell you I am still a New Yorker. Next slide, please. Now here is a neat visual that the Japanese have been working on and these things are not four times the amount that I always hear as an aspect and we all know revenue minus expenses equals profit and I could charge for those spots, especially people who don't live in this county. Next slide, please. And here is even a more sophisticated aspect so you could self-serve yourself and move yourself up and down and find out what is going on. I walked in to the unfinished business part of this because we all know they want to build a commuter lot. Because that is part of our UDA, right? To live, commute and play, oh I mean live, work and play. I did not research on D. R. Hurton, the America's builder and I keep reminding you about the law in regards to UDA and the density factor. And be mindful that developers will not build condominiums because they are not profitable. So that is one of the key aspects that's part of the UDA. So we can get this mix of development that is in there. So let's see my allotted time is almost up. The only other comment I have is I hear these things about soccer fields and athletic fields and I was SRSL coach in 1990 when I was the inventor of the tri-fold that went on the first website. So this problem about soccer fields has existed a long time so you know. Good luck on using that as a solution for the UDA. Thank you.

Mr. Howard: Thank you. Anyone else wishing to address the Planning Commission may do so by stepping forward to the podium. Seeing no one else advancing towards the podium I will now close the public comment portion of the meeting and open up the public hearing for RC2900193, Reclassification of Aquia Hilton Extended Stay Hotel. And we will hear from...

PUBLIC HEARINGS

4. RC2900193; Reclassification - Aquia Hilton Extended Stay Hotel - A proposed reclassification from R-1, Suburban Residential to B-2, Urban Commercial Zoning District to allow a hotel on Assessor's Parcel 21-63 consisting of 3.02 acres, located on the west side of Jefferson Davis Highway, 600 feet north of Coachman Circle (south access) within the Aquia Election District.  
**(Time Limit: August 30, 2011)**

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Mr. Harvey: Mr. Chairman, Amy Ansong will be making the presentation for staff.

Mr. Howard: Thank you Mr. Harvey.

Ms. Ansong: Good evening Mr. Chairman and members of the Planning Commission.

Mr. Howard: Good evening Ms. Ansong.

Ms. Ansong: Tonight I stand before you to present the reclassification for Aquia Hilton Extended Stay. Computer please. This application, RC2900193 is for the Aquia Hilton Extended Stay Hotel. The applicant is Stafford Hospitality LLC, the agent is Clark Leming, the tax map parcel is 21-63, the site is located on the west side of Jefferson Davis Highway approximately 600 feet north of Coachman Circle. In terms of acreage, it is 3.02 acres. The purpose of this request, this reclassification is to request that the land be reclassified from R1, Suburban Residential to B2, Urban Commercial. This is the current zoning map for the site. This is an aerial photograph of the site, tax map 21-63, Aquia Hilton Extended Stay Hotel. These are the existing conditions for tax map 21-63 for the proposed Aquia Hilton Extended Stay Hotel. There is currently a house on the site, in terms of topography it ranges from 60 to 70 feet. There is only one access to the site; the access point is directly connected to Jefferson Davis Highway. There is a stream that runs along the southern property line, Shorts Branch stream. And the CRPA buffer covers approximately two-thirds of the site. We have received a letter a letter from the Department of Conservation and Recreation and they have expressed their concern with the hotel being located in the RPA and they would prefer to see... they would prefer not to see a building in the RPA, but that is what we have heard from the department. This is the GDP, as you can see the hotel is located in the middle of the site. They are proposing a 100 room hotel. Towards the bottom of the site there will be a six foot trail running along the bottom of the site. And they will have one entrance to the site directly connected to Jefferson Davis Highway. Here we have the building elevation for the proposed Aquia Hilton Extended Stay Hotel. There are several proposed proffers that come with the proposed Aquia Hilton Extended Stay Hotel Reclassification. One proffer is to restrict access to Jefferson Davis Highway. Another is to provide a southbound right turn lane on Jefferson Davis Highway. Another proffer is to dedicate a maximum 80 feet of right-of-way from the center line of Jefferson Davis Highway. Also that the location of the hotel building, travel ways, entrances, street, limits of disturbance, transitional buffers, and dedication of right-of-way for Jefferson Davis Highway shall be in conformance with the GDP. Another proffer will restrict the use of the site to only one hotel, with a maximum of 100 rooms. Also another proffer will provide that the required buffers and landscaping are provided. Another proffer will be to provide the required signage, install NFPA-14 Standpipe system, install and maintain a defibrillator for the hotel. Utilize type 2B construction for the hotel. Install lighting that is directed away from Jefferson Davis Highway. Remove any existing structures on the property and also remove any existing well and septic systems on the site. Install an orange safety fence during land disturbance and construction. Also other proffers included will be to provide screening for the trash dumpster. Prohibit carnival style flags, banners, lights, balloons, or windsocks and also to ensure that building materials and building design are in conformance with submitted exhibits. In terms of the Comprehensive Plan, the land use designation for this site, tax map 21-63, has the site classified as Suburban, within Commercial Corridor. The comp plan encourages infill development and commercial development along the arterial transportation corridors. Therefore, the proposed use is consistent with land use designation. Summary of the positive and negatives, in terms of the positives for the site, tax map 21-63, it is in compliance with comp plan, the proffers do mitigate impact on the site. It is consistent with existing and developing patterns and it is close to I-95, Jefferson Davis Highway and there is potential for it to expand employment base in Stafford County.

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In terms of negatives, as I stated earlier there is concern from the Department of Conservation and Recreation regarding the impacts to the one hundred foot CRPA buffer. Staff does recommend approval of the proffers proposed in Ordinance O11-35.

Mr. Howard: Thank you. The question I have is really on the negative comment there. What is the concern that they have with this buffer?

Ms. Ansong: The concern they had was that right now the...

Mr. Howard: With the current GDP?

Ms. Ansong: Yes, the concern is that right now the site is R-1 Residential and there is an existing house on the site. And based on the location of the house and what is currently on the site it doesn't... it is not in the RPA. But with the hotel, the hotel is going to be in the RPA. The parking is not, well it's not... they have changed the GDP several times, but the concern is that they feel that this new GDP makes the site non-conforming. So that is the concern of DCR.

Mr. Howard: So their concern is that the site is non-conforming site with the current GDP that is being proffered?

Ms. Ansong: Yes.

Mr. Howard: Or offered here tonight?

Ms. Ansong: Yes.

Mr. Howard: Because the building itself doesn't meet the hundred foot setback?

Ms. Ansong: Yes because it is within the RPA, that is right.

Ms. Kirkman: Mr. Chair?

Mr. Fields: Mr. Chair? I'm sorry. I... concern seems somewhat euphemistic if you look at attachment 10, here is the letter from DCR. It says submitted generalized development plan does not conform to the requirements of the Chesapeake Bay Preservation Act, Chesapeake Bay Preservation Area designation and management regulations or Stafford County's Chesapeake Bay Preservation Overlay District. Due to the fact of encroachment into the hundred foot RPA. As currently proposed blah, blah, blah and accordingly the division recommends denial of the current application and suggests that the applicant be advised to resubmit a proposal which conforms to the requirements of Stafford County's Chesapeake Bay Preservation Overlay District. So I would say it is a little stronger than a concern. DCR says this construction violates all of the environmental regulations and that they see no way that the current GDP...

Mr. Howard: Well that is my question.

Mr. Fields: ... current GDP conforms to the States stormwater and environmental...

Mr. Howard: That is why I was asking Ms. Ansong. Mr. Harvey is there...

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Mr. Harvey: Mr. Chairman if I could clarify some things. This letter was written in 2009 before the application was submitted. We had some discussion with the applicant about the proposal prior to them submitting because of the number of issues from zoning perspective on non-conformities and Chesapeake Bay. The Chesapeake Bay Act does allow encroachment close than a hundred feet for lots that were created prior to the establishment of the Bay Act. The Bay Act went into effect in Stafford in 1989, this lot had been in existence since prior to that time, so it is considered to be grandfathered. From DCR's perspective, I believe they were commenting on a previous version of the GDP which showed parking and other features in the RPA which are not allowed in the landward 50 feet. The only structure pursuant to the code that is allowed in the landward 50 feet is the primary structure for the property. The applicant has revised the plan to reflect that so that encroachment issue is no longer a factor however DCR still in their statements in their conservations with staff say that they would prefer to see no development within 100 feet if possible. From a planning and zoning perspective we view this as this could be allowed because it is an existing lot, the provision allow you to on existing lots allow the 50 foot encroachment for primary structure. This is in the comprehensive plan as a commercial corridor there is commercial development around this property. If you were to try to develop this property utilizing the full 100 foot RPA buffer it is unlikely it could be built without some encroachment. So the question for the Commission would be, is this proposal as proffered consistent with commercial in our comprehensive plan goals as well as does the Commission feel that it is appropriate for this location?

Mr. Howard: So it is really before us with staff's recommendation because you viewed the lot to be grandfathered and the GDP has changed since the 2009 letter. I am really paraphrasing what you said very succinctly. So is that correct?

Mr. Harvey: Yes.

Mr. Howard: Okay.

Ms. Kirkman: Mr. Chair?

Mr. Howard: Ms. Kirkman?

Ms. Kirkman: I do have a question. Were any zoning determinations obtained regarding that by the applicant?

Mr. Harvey: I would have to go back and check, I don't recall.

Ms. Kirkman: Could we...

Mr. Howard: What was the question again?

Ms. Kirkman: If the applicant has obtained a zoning determination to that effect?

Mrs. Forestier: I believe there was a letter that was issued prior to this applicant owning the property that referred to whether a rezoning would change the effective date that the plat had been recorded. I think that was... it wasn't a particularly worded as to the Chesapeake Bay Act, if I recall.

Ms. Kirkman: So who requested that determination?

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Mrs. Forestier: The former owner of the parcel, I believe. I don't have a copy of it with me though.

Ms. Kirkman: Was that Supervisor Paul Milde?

Mrs. Forestier: I believe so, but I am not...

Mr. Harvey: We will research that Mr. Chairman and Ms. Kirkman to see if we have a determination and provide that to the Commission.

Mr. Howard: Okay.

Ms. Kirkman: And have we requested DCR to review this recently?

Mrs. Forestier: I spoke with somebody from DCR and they said they did say that our... the lady who wrote the letter is no longer with DCR. So her replacement, Mr. Moore, I spoke with him today and yesterday and he stated that he had not seen it. He does not really need to see it basically as long as the parking is outside of the RPA, which was the main thing that she was concerned with at the beginning. However, they would prefer that there not be any construction within the 100 foot RPA just because it is already existing.

Ms. Kirkman: And how close to the 50 foot mark does the construction encroach?

Mrs. Forestier: Until the exact construction plan, I am sure we can't tell exactly.

Ms. Kirkman: What does the GDP depict?

Mrs. Forestier: It's... I believe it shows it within...is it 10 feet? It is about 10 feet which is what we normally ask for outside of either the 100 foot buffer if they are putting a wall or a building, it is at least 10 feet.

Ms. Kirkman: So there is currently no encroachment.

Mrs. Forestier: Right.

Ms. Kirkman: And the hotel will encroach 40 feet into the 100 foot...

Mrs. Forestier: Approximately, yes ma'am.

Ms. Kirkman: Thank you.

Mr. Howard: Okay.

Ms. Kirkman: I have some additional questions of staff on a different issue.

Mr. Howard: Sure.

Ms. Kirkman: So I don't understand, this application was submitted in... I am trying to find... the date of submission is July 2009? Is that correct?



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Mrs. Ansong: That sounds correct, the original submission.

Ms. Kirkman: And why has it taken two years to get to this point?

Ms. Ansong: There have been several changes within the GDP and several changes concerning this application.

Ms. Kirkman: I thought we had developed some legislation around how long it takes these applications to go through the process.

Mr. Harvey: Yes Ms. Kirkman. The State Code specifies the Board of Supervisors has a year to take action on a zoning application once it has been determined to be complete.

Ms. Kirkman: But I thought we had enacted... the Board had enacted some legislation about time lines so these applications moved through the process prior to Board review in a more timely manner.

Mr. Harvey: The time limit ordinance affects site plans as well as subdivision plans, but does not affect rezoning or conditional use permit applications.

Ms. Kirkman: Okay. Alright.

Mr. Howard: When was the application deemed complete?

Ms. Ansong: A couple of months ago. Let me see. It was May 13<sup>th</sup> application completed.

Mr. Howard: Of 2011?

Ms. Ansong: Yes.

Mr. Howard: Okay good. Thank you.

Ms. Kirkman: And where is the TIA worksheet on this?

Ms. Ansong: Was it not in your staff report? No?

Ms. Kirkman: No there was an old form there but I thought the TIA requirements came in July 1, 2009.

Ms. Ansong: It's not in that... if you don't have it I will look for it. Sorry. I thought you had it. Let's see.

Ms. Kirkman: All there is a note that Sarah Woolfenden who hasn't been here for quite some time, says no VDOT fee is needed.

Ms. Ansong: Okay, attachment 8 in your staff report. It has page 14 on the bottom.

Ms. Kirkman: Okay, great. That is what I was looking for. So you know again, I thought we had a fairly lengthy discussion with another application about was the limit, this form still says for

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development proposals that generate 1,000 or more vehicle trips but I thought we reviewed the County Ordinance and the County Ordinance has a threshold of 500. Which this appears to exceed at its highest use, it has 892 listed. How did that issue get resolved about the 500 versus 1,000?

Mr. Harvey: I can verify in the Code, but my recollection is that our Ordinance says that if you have use that generates more than 500 vehicle trips per day, you are required to submit a traffic impact analysis and analysis of other impacts. But when you have a situation where it meets the VDOT thresholds for 527 Review it would have to go through that formal review process.

Ms. Kirkman: Right. So we have this but it didn't have to go through the VDOT review process.

Mr. Harvey: Yes, because it is below the thousand vehicle trips.

Ms. Kirkman: Okay.

Ms. Ansong: Because of the traffic.

Ms. Kirkman: And lastly again because this application has been in process for a couple of years, looking at one of the pages, the real estate bill.

Ms. Ansong: Yes.

Ms. Kirkman: It looks like there were some penalties and interest paid which mean there was an overdue real estate bill. Has someone confirmed that the real estate taxes are paid in full on this property? Because I think that is even a state requirement. I don't think it is a local requirement.

Ms. Ansong: If the applicant has not checked it I will be more than happy to check for a more current real estate bill. I can do that first thing tomorrow.

Ms. Kirkman: Okay, thank you.

Mrs. Hazard: Mr. Chairman?

Mr. Howard: Yes Mrs. Hazard.

Mrs. Hazard: I have a question. I not as part of the application there says that there is also a subsequent application about the CUP about increasing... excuse me about increasing the floor area ratio. Can you give some more background or some information about that?

Ms. Ansong: Yes there is a CUP pending to increase the floor area ratio from .42 to, I believe, .46. And that will be coming before the Planning Commission on June 15<sup>th</sup>.

Ms. Kirkman: Could someone remind me how we calculate floor area ratio again?

Mr. Harvey: Mr. Chairman and Ms. Kirkman, floor area ratio is a ratio of the gross building square footage to the square footage of the property.

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Ms. Kirkman: So if... so this project as depicted on the GDP is dependent upon also getting approval of a CUP?

Mr. Harvey: That is correct.

Ms. Kirkman: And the extent of the encroachment into the RPA in part is based on the floor area ratio? Why do we have this application before us separate from the CUP?

Mr. Harvey: Partly because there was a discrepancy in the advertisement. When staff prepared the advertisement for some reason we miss that the applicant had modified their application. Originally, I believe they had applied for .43 FAR and we later found it had been modified to .46. So, we had to re-advertise, so that is why there is going to be a delay in the advertisement. It was scheduled to go tonight, but we realized the ad was insufficient.

Ms. Kirkman: And could we get from staff the extent to which the encroachment of the RPA could be minimized if there was not an expanded floor area ratio?

Ms. Ansong: Okay.

Ms. Kirkman: Thank you.

Mrs. Hazard: Mr. Chairman, just for clarification. Is that based on at least one of our documents that said that the FAR was going from .4 to .43 and it really is .46? Because on attachment seven page three of five it has increasing the FAR of the building from .4 to .43.

Ms. Ansong: It should be .46.

Mrs. Hazard: It should be .46.

Ms. Ansong: Yes.

Mrs. Hazard: Okay, thank you.

Mr. Howard: Any other comments for staff? Okay we will hear from the applicant please.

Ms. Karnes: Good evening members of the Planning Commission and staff. My name is Debrarae Karnes, I am an attorney with Leming and Healy and I am here representing the applicant for the proposed Aquia Hilton Extended Stay. And I am going to describe this project for you but I am going to answer one of the questions first up. The question has been raised about a prior zoning determination on this parcel. And the prior owner requested a determination back in January of 2008 that was answered by the County to months later on March of 2008. And basically the question was can an applicant avail itself of the provision in the County's Ches Bay Ordinance to encroach up to fifty per-cent into the RPA if the zoning changes. And the answer given by Mrs. Hudson was that the reclassification of the subject parcel did not change the current recordation date of the parcel and that the applicant could ask for a waiver of the Ches Bay Requirements and propose a use that encroached up to 50% into the RPA. And I will be happy to provide a copy of this letter to staff to expedite their delivery of this issue to you.

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Ms. Kirkman: Excuse me Ms. Karnes, do you also have the original letter requesting the determination?

Ms. Karnes: Actually I do...

Ms. Kirkman: That would be great if we could get a copy of that.

Ms. Karnes: When I sit down I will dig it out and provide that also to staff. Now this proposal is a hotel that would be located on the western side of Jefferson Davis Highway, north of the Garrisonville intersection. It proposed to build an extended stay hotel and it is catering to 20 and 30-somethings that are working and would want a seven to ten day stay to accomplish or to stay at while doing business trips. Hotels are a much sought after use we are finding along the Route 1 corridor. Possibly occasion by the BRAC build up, the newspaper indeed reported today that there are, I guess, four hotels applications either recently approved or pending. And this is one of them. I want to address your attention to our proffers. And the proffer I am looking at is the generalized development plan, number two. And this is the most exhaustive proffer I think I have ever written since I have been doing this. The applicant agrees to build in substantial conformity to the GDP in front of you and proffers the location of the hotel building, the travel ways, the entrances, the streets, the limits of disturbance, the transitional buffers and the dedication of right-of-way all in accordance with the plan in front of you. And let me break down exactly what is being proposed. First of all they are proposing a four story building and by the way the height is what is triggering the need to increase the FAR in order to diminish or to reduce to all extents possible the encroachment into the RPA. You saw the staff submit the rendering of the architecture. Both the architectural style and the materials are proffered. The hotel is an extended stay style, there will be no restaurants there and I mention this to you because this affects the transportation computations. We have the traffic engineer here and he will be prepared to answer any and all questions that come up from any of you on how the transportation study was done. But in short the transportation study was required by the County but not through the 527 process. But it has been exhaustively reviewed by VDOT and I was fortunate enough to see an email from VDOT that approved every single thing. Again not something I normally see. The VDOT review unfortunately took some six months and so that is one of the several reasons why this application has been in the process what, for two years. And someone commented that it has been in the process a long time, I think the applicant is here tonight and he will agree with you whole heartedly it has taken him much longer than he thought. But he is confident he's got a quality product. Now just in short for transportation improvements the applicant will be building a right turn lane and it is diagramed on the GDP if you have any questions. But that was thoroughly reviewed and vetted and even changed pursuant to VDOT recommendations. And the applicant himself, the engineer and myself sat around the conference table at VDOT several months ago and worked out the details of this entrance. I think the big issue that we have always understood is the environmental impact of the site. RPA covers the better part of the site. In fact there is no way to put in an access from Jefferson Davis Highway without crossing the RPA. The hotel has been designed to minimize the impact on the RPA. Ches Bay guidance requires that when a hotel... when any structure is built only the principle structure and the necessary utilities may encroach into the RPA area. Parking lots cannot, pools cannot, patios cannot. The first version of this application showed an indoor pool and quite frankly I thought an indoor pool would not trigger the concern of CBLAD, only outdoor pools but indeed both indoor and outdoor pools are prohibited within the 50 foot RPA and the subsequent revision removed the pool and all portions of the parking lot. In order to obtain encroachment, the agreement to encroach the applicant is going to have to do several things. First of all they have to get rezoned and we had consulted with Mr. Harvey early on in the process to figure out whether we should get approval of the

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plan to encroach first or to get approval of the rezoning. And we were advised that we needed to come to you to get approval of the rezoning first. The applicant will also have to file and get staff approval for several environmental studies and they would include a major water quality assessment and a CLOMAR. These materials have been submitted to staff and it is my understanding that many of them cannot be reviewed until such time that the zoning is approved. Bottom line the combination of the placement of the building and the limitation of the foot print of the building within the 50 foot RPA combined with a landscaping plan proposed by the applicant in accordance with Ches Bay laws mitigate any impact on the RPA. And I have the engineer here who can answer more questions about that. Finally a major issue that arose early on with this application involved fire and rescue protection. Here we have a four-story building the Fire Marshall is rightfully concerned that in the case of any emergency appropriate rescue measures could be undertaken. The Fire Marshall wanted a couple of things which have been proffered. The Fire Marshall requested and received our agreement for the installation of a standpipe system. We also are agreeing to use a more expensive construction method and I may have to refer any technical questions to the engineer, but this is the Type 2B construction which is more expensive and withstands fire and in addition provided access on the sides to the hotel for fire trucks. One of the reasons this application was in the system so long is we met with the Fire Marshall and redesigned the hotel in order to obtain his support of the application. And that was when... this was last October when we met with the Fire Marshall and altered the plan once again which resulted in the increase of the FAR from .43 to .46. And that is when it was changed. I think this hotel provides a new version of hotels and will add diversity to the area. I think this plan has mitigated over and above any potential impacts. The proffers are very tight and I think protect the county and the county will see...they will get exactly what they are seeing and we will be back in two weeks to talk about the CUP. But as I was getting up Clark asked me to remind you guys that there have been other hotels out there that have approved increased in their FAR higher than what we are asking right now. And I will be happy to answer any questions or bring up the engineer or the traffic consultant to answer questions.

Mr. Howard: Thank you Ms. Karnes. I will start with Mr. Hirons, to my right. Are there any questions Mr. Hirons?

Mr. Hirons: No I don't have any questions at this time.

Mr. Howard: Ms. Kirkman?

Ms. Kirkman: What is the square footage of the RPA and how much of that square footage is encroached upon?

Ms. Karnes: I am going to ask the engineer for that, Justin.

Mr. Howard: Just identify who you are if you don't mind.

Mr. Triodal: Justin Troidal, I am with Bowman Consulting Group. Right now the overall RPA is about 1.9 acres of the 3.02. We are proposing encroachment of approximately half an acre. A quarter of that is for the access drive entrance to Route 1. The other quarter of an acre is for the encroachment of the building into the 50 foot portion of the RPA.

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Ms. Kirkman: And when you are doing that calculation do you include... is that solely what the footprint of the building is or does that include additional square footage because you can't build solely within the footprint, you have to disturb around it.

Mr. Troidal: Based on this water quality impact it will be based on the actual disturbed area.

Ms. Kirkman: But the numbers you just gave...

Mr. Troidal: Yes based on the disturbed area, not the footprint.

Ms. Kirkman: And it looks like the proposed right-of-way dedication... is that what you mean when you refer to the access point?

Mr. Troidal: No it would be the access drive. The actual drive that leads into the site not the entire...

Ms. Kirkman: Into the hotel. So there is an additional proposed right-of-way dedication that not only is within the 50 foot RPA but actually covers the creek itself. Have you included that?

Mr. Troidal: That is not added as an impact because there is not disturbance included in that portion of it.

Ms. Kirkman: It is right-of-way, how can it not disturb it at some point?

Mr. Troidal: Well it's... if Route 1 were ever widened then there would be an additional impact at that time. But for this application there isn't an additional disturbance proposed within that RPA.

Ms. Kirkman: But this... this is not running parallel to Route 1 it is perpendicular to Route 1.

Mr. Troidal: The actual drive entering into the site is perpendicular the right-of-way is parallel to the Route 1 portion.

Ms. Kirkman: I am looking at the site plan that says proposed right-of-way dedication and it extends all the way to the back of the property line.

Mr. Troidal: I am sorry it's eight... we are dedicating additional 40 feet along Route 1 to make it a total of 80 feet. It does parallel the portion of the stream that basically goes through a culvert underneath Route 1.

Ms. Kirkman: Okay. So there is not another access point to the adjacent property?

Mr. Troidal: There is not.

Ms. Kirkman: Got it, thank you.

Mr. Howard: Okay, Mr. Mitchell.

Ms. Kirkman: Oh and Mr.... I had another question for Ms. Karnes.

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Mr. Howard: Okay.

Ms. Kirkman: That I had asked earlier and staff was not aware of... it looked like at least at the time of the application there had been some delinquent property taxes, so have those all been paid up?

Ms. Karnes: I personally checked that they were paid when we filed the application. I will re-verify that there is nothing owing and we will make sure those are paid if there is there is anything owing.

Ms. Kirkman: Thanks.

Mr. Howard: Okay Mr. Mitchell.

Mr. Mitchell: No questions at this time Mr. Chairman.

Mr. Howard: Great. Just one quick question Ms. Karnes. The material screening or the screening that you are going to provide for the trash and dumpster, what type of material are you talking about. It just says you will provide screening.

Ms. Karnes: We are willing to accept any recommendation that...

Mr. Howard: What do they typically do with that type of a hotel?

Ms. Karnes: Usually... well let me ask the applicant for this particular brand. Usually it is wood on wood.

Mr. Howard: I have actually never seen that home 2 brand.

Ms. Karnes: This is Al Patel.

Mr. Patel: Usually the screening for the dumpster is a block or brick structure with a metal framed front door that covers the entire structure so there is no vision at all of a dumpster.

Mr. Howard: Would you be willing to put that into the proffer? Just the material?

Mr. Patel: Yes.

Mr. Howard: Okay. That would be great.

Mr. Patel: Definitely.

Mr. Howard: Thank you. Mr. Rhodes?

Mr. Rhodes: (Inaudible)

Mr. Howard: Mrs. Hazard?

Mrs. Hazard: Ms. Karnes did you have any... is there any correspondence between you and the Fire and Rescue about... sort of their concerns and how they were eliminated or was it mostly verbal?

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Ms. Karnes: I have early email correspondence from the Fire Marshalls office. I don't have a final written correspondence.

Mrs. Hazard: Okay.

Ms. Karnes: But if you would like I can get it.

Mrs. Hazard: I would just... since that was something that was raised and we are... well will be asked to modify that I know for me personally I would want to feel that fire and rescue was onboard. Not that I am certainly doubting your word, but...

Ms. Karnes: Absolutely.

Mrs. Hazard: It would be nice to have something from them about that issue.

Ms. Karnes: We will be more than happy to get that for you.

Mrs. Hazard: Thank you.

Mr. Howard: Thank you. Mr. Fields?

Mr. Fields: Nothing.

Mr. Howard: Okay. I will now open up the public hearing portion, which allows the public to come forward and share their comments with the Planning Commission on the current item before us which is the reclassification for Aquia Hilton Extended Stay Hotel. So anyone wishing to address the Planning Commission during this public hearing may do so by stepping forward to the podium. We ask that you state your name and address and then you have three minutes when the green light goes on, about a minute left when the yellow light goes on and when the red light flashed we ask you to conclude your comments and just to let you know we don't answer you directly back. But in general we try to get some answers where we can. Thank you.

Mr. Lovell: Thank you. My name is Sydney Everett Lovell, Jr. I own the adjoining properties on three sides of this parcel. My one concern is that the entrance way on to U. S. Route 1... my understanding of the current code is you can't have two commercial entrances within 325 feet of each other. And I believe this... the entryway that is shown on their plan violates the current code. So I would want some sort of change made so it does not violate the code. Also I would want an inter-connector parcel to the... or inter-connection to the parcel on the south of this lot. Because I did not see any provision on the plan for an inter-connector to the south parcel. Thank you.

Mr. Howard: Thank you. Anyone else wishing to address the Planning Commission may do so by stepping forward to the podium. Seeing no one else advancing to the podium I will close the public comment portion and bring it back to the Planning Commission. Mr. Harvey, did staff find that there was an issue with the location of the entrance and exit? Egress of this location? Ingress and egress?

Mr. Harvey: The entrance location was discussed with VDOT, the applicant originally proposed the entrance to be further north on the property and VDOT did have some concerns about the spacing and allowed the entrance at its proposed location. I believe Mr. Lovell is correct there is spacing



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requirements, however we do have a situation where we have an existing property and VDOT generally is reluctant to deny access to existing properties. It may require through their site plan process to obtain an exception to the VDOT standards.

Mr. Howard: Does the applicant have an answer that they have spoken to VDOT?

Ms. Karnes: We have spoken to VDOT. Mr. Harvey actually summarized it well even though he was not there. They looked at the nearby access, they were aware of its proximity, but they were aware of the need for the parcel to have access. They are requesting that we file an application for an exception to the access requirements and have indicated to us that they feel confident it will be approved.

Mr. Harvey: And was there any discussion with adjoining property owners of any inter-connection between parcels?

Ms. Karnes: There was no actual discussion although my folks early on thought it would be a good possibility to have a shared entrance because I understand that Mr. Lovell is also building a hotel or processing a site plan for a hotel on his site. But when they... but that hotel is going to be on the other side of his parcel and in the appropriate location for a shared access is currently some kind of waste containment facility that they thought would be inappropriate to locate an inter-parcel access on... I am sorry the shared access on.

Mr. Howard: Okay. Are there any other questions of the Commissioners? Mrs. Hazard? No. Okay thank you. Well what is the will of the Commission? It almost makes sense to defer this to the next meeting because of the whole CUP question that Mrs. Hazard brought up.

Mr. Mitchell: Mr. Chairman. I would make a motion to defer this until the next meeting to get some more of the information that was requested. I believe Ms. Karnes also mentioned that she would provide the verification that the taxes were paid. I think also she stated she would get the existing documents from the Fire Marshall available for us here. I think if that information can answer some questions I think we could bring it up at our next meeting.

Mr. Rhodes: Second.

Mr. Howard: Second by Mr. Rhodes. Discussion? I think Mr. Mitchell stated his point. Mr. Rhodes discussion? Alright seeing no one else signaling for discussion I will call for the vote. All those in favor of deferring the RC2900193 Reclassification of Aquia Hilton Extended Stay Hotel to the next meeting signify by saying aye.

Mr. Fields: Aye.

Mrs. Hazard: Aye.

Mr. Rhodes: Aye.

Mr. Mitchell: Aye.

Ms. Kirkman: Aye.

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Mr. Hirons: Aye.

Mr. Howard: Aye. Opposed nay? The motion carries 7 to 0. Thank you. Now we are up to item 5 on the agenda, which is an amendment to the Subdivision Ordinance. The Board of Supervisors referred proposed Ordinance O11-19 to the Planning Commission. Proposed Ordinance O11-19 would amend Section 22-87, which is content of the Subdivision Ordinance to change authorized on-site soil evaluator to a licensed on-site soil evaluator and to revise language really to be in conformance with State Code.

5. Amendment to Subdivision Ordinance - The Board of Supervisors referred proposed Ordinance O11-19 to the Planning Commission. Proposed Ordinance O11-19 would amend Section 22-87, "Content," of the Subdivision Ordinance to change Authorized On-Site Soil Evaluator (AOSE) to Licensed On-site Soil Evaluator (OSE), and to revise language to specify that the OSE is licensed by the Virginia Department of Professional and Occupational Regulation (DPOR) instead of the Virginia Department of Health. **(Time Limit: July 4, 2011)**

Mr. Harvey: Mrs. Ennis will make the presentation.

Mr. Howard: Thank you.

Mrs. Ennis: Mr. Chairman, members of the Planning Commission, I am presenting item number 5 which is an amendment to the Subdivision Ordinance regarding on-site soil evaluator. The Board of Supervisors referred the Resolution to the Planning Commission on April 5, 2011. Currently the Subdivision Ordinance requires a statement on all final plats regarding the certification of on-site soil evaluators performing soil work. The Subdivision Ordinance also requires all soil evaluators to be certified by the Health Department, currently in our ordinance. On July 1, 2009, the Virginia Code was modified and the term Authorized On-Site Soil Evaluator, Section 32.1-163 and 54.1-2301 and Sections 54.1-2301, were all modified to require individuals to be licensed by the Virginia Department of Professional and Organizational Regulation, and the use of the term On-Site Soil Evaluator or Licensed OSE. The Health Departments licensed the Soil Evaluators previously in the past. Ordinance 11-19 amends the Subdivision Ordinance to reflect the name of the licensed OSE or On-Site Soil Evaluator and who the individual can be can obtain an ordinance... I mean obtain a license from. We recommend approval. Any questions?

Mr. Howard: Thank you Mrs. Ennis. Are there questions of staff? I will go to Mr. Fields this time; we can start at that end.

Mr. Fields: No.

Mr. Howard: Mrs. Hazard?

Mrs. Hazard: No.

Mr. Howard: Mr. Rhodes?

Mr. Rhodes: No thank you.

Mr. Howard: I don't have any questions. Mr. Mitchell?

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Mr. Mitchell: No.

Mr. Howard: Ms. Kirkman?

Ms. Kirkman: No

Mr. Howard: Mr. Hirons?

Mr. Hirons: No questions.

Mr. Howard: Alright, no questions for staff. I will now open it up for public comment. Anyone wishing to address the Planning Commission on the item that is before us, which is Resolution R11-88, Proposed Ordinance O11-19, may do so by stepping forward to the podium and sharing your comments with us. Seeing no one in the audience stepping forward I will now close the public comment portion of this public hearing and bring it back to the Planning Commission. What is the will of the Planning Commission on this item?

Mr. Fields: Move for approval. We are just bringing our Code into conformity with the State.

Mr. Howard: Mr. Fields makes a motion for approval, is there a second?

Ms. Kirkman: I will second.

Mr. Howard: Second by Ms. Kirkman.

Mr. Fields: Recommend approval... motion to recommend approval.

Mr. Howard: Right. Correct. And second by Ms. Kirkman. Any discussion? Hearing none I will now call for the vote. All those in favor of recommending approval to this item which is Resolution R11-88, Proposed Ordinance O11-19 signify by saying aye.

Mr. Fields: Aye.

Mrs. Hazard: Aye.

Mr. Rhodes: Aye.

Mr. Mitchell: Aye.

Ms. Kirkman: Aye.

Mr. Hirons: Aye.

Mr. Howard: Aye. Opposed nay? The motion carries 7-0. Thank you. The next item on the agenda is item number 6, which is again a public hearing scheduled for a planned traditional development, P-TND Ordinance, T1 Transect Zone.

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6. Amendment to Zoning Ordinance - The Board of Supervisors referred proposed Ordinance O11-01 to the Planning Commission. Proposed Ordinance O11-01 would amend Section 28-39(q)(4)a., "T1, Natural Zone," of the Zoning Ordinance to remove the requirement that the following lands be provided within the T1 transect zone in the Planned Traditional Neighborhood Development (P-TND) Zoning District: "any lands adjoining CRPA which have a slope equal to or greater than twenty-five (25) percent, and an area of thirty-five (35) feet in width from an intermittent stream if the intermittent stream adjoins the CRPA, steep slope or intermittent stream." **(Time Limit: June 3, 2011)**

Mrs. Forestier: Hi, Amber Forestier, Planning and Zoning. I'm here Mr. Chairman to present item number 6, Ordinance O11-01, which would amend Stafford County Code Section 28-39(q)(4)a., of the Zoning Ordinance, a portion of the Planned - Traditional Neighborhood Development (P-TND) regulations. The Board of Supervisors referred Resolution R11-03 to the Planning Commission on February 15, 2011. Specifically, the amendment would remove areas that are required to be part of a T1 Transect Zone. The T1 transect zone is referred to as the Natural Zone; lands identified as being unsuitable for development and are intended to be left in a natural condition. Any Critical Resource Protection Areas, or CRPAs, are required to be within this T1 zone. The amendment would remove the provision that includes the following areas: "...any lands adjoining CRPA which have a slope greater than or equal to 25%, and an area of 35 feet in width from an intermittent stream if the intermittent stream adjoins the CRPA..." This ordinance amendment was requested by H. Clark Leming as agent for the proposed Clift Farm Quarter reclassification. During the Planning Commission's review of the proposed ordinance, questions were raised about the potential impact of this ordinance amendment on the County's Phase III Compliance for the Chesapeake Bay Act. The Planning Commission received supplemental information from the applicant and from the Department of Conservation and Recreation, Division of the Chesapeake Bay Local Assistance. The response from DCR indicated that the proposed ordinance amendment would not have an adverse effect on the County's Chesapeake Bay Preservation Act program compliance. On April 20, 2011, the Commission initiated the public hearing of the ordinance. The proposed Clift Farm Quarter reclassification is within the Eskimo Hill Urban Development Area. Urban Development Areas are areas of the County where a more intense, pedestrian and transit oriented form of development are required. In the Eskimo Hill UDA, the Comprehensive Plan recommends 879 residential dwelling units and 588,000 square feet of commercial development. Development of the site under the current P-TND standards may make it difficult to meet the recommended amount of growth. Within the County code, the P-TND regulations are the best option for promoting a form of development that meets the goals of a UDA. The extent of the impact of this proposed amendment on other areas of the County would depend on the presence of streams and steep slopes in those areas. So it's not a level playing field basically across the County. There are policies in the Comprehensive Plan which address development on steep slopes and the prevention and reduction of pollution that could affect surface and groundwater resources. The requirements for the 35 foot buffer around intermittent streams and the protection of 25% slopes does move the County towards this objective if within restricted areas. Staff supports the proposed amendment in as much as that it would eliminate a disincentive to develop projects within the P-TND zoning district compared to other zoning districts. The provisions for additional protective buffers along intermittent streams and Critical Resource Protection Areas currently do not apply to other zoning districts. Staff believes that additional environmental protection as recommended in the Comprehensive Plan should be applied more uniformly throughout the County rather than in specific zones.

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Mr. Howard: Thank you Mrs. Forestier. Are there any questions... I'll bring it back to the Planning Commission... are there questions of staff? Seeing no one signal we'll now open the hearing, public comment portion for the public hearing on the amendment to the Zoning Ordinance. Anyone wishing to address the Planning Commission may do so by stepping forward to the podium. We just ask that you state your name and address. And you have three minutes when the green light goes on, you have a minute when the yellow light starts to flash and when the red light starts to flash we ask that you conclude your comments. Anyone wishing to address the Planning Commission may do so by stepping forward now.

Mr. Leming: Mr. Chairman, members of the Commission, I'm Clark Leming. I'm here... well I guess I would refer to as the applicant. I'll just take a moment. Mike, can you pull up the slide that shows the Clift Farm...

Ms. Kirkman: Excuse me, Mr. Chair. The lights don't seem to be working on the podium.

Mr. Howard: The light's on Ms. Kirkman.

Ms. Kirkman: Oh, it just went on.

Mr. Howard: The light never goes on until... hold on, change the light please. Let's not interrupt people. The light does not go on until the speaker at the podium says their name and if they're using the computer, until the computer actually is activated. And that's the way it always works. Thank you. Computer please and then the green light will go on. Thank you.

Mr. Leming: Okay. We showed this to you a few weeks ago when we met with you at your work session showing the impact on the development pad. This is the area specifically within the UPA. The red indicates the impact of this particular amendment to the ordinance. This was an amendment in 2007, not part of the original TND Ordinance on the development pad. And I indicated to you at that time that it's simply not possible to achieve the densities that are required under the UDA statute with this ordinance. We have done so without the ordinance and with the usual protections that is contained in the other zoning districts, but cannot do so with this addition to the ordinance. Ironically, and you may recall also that we comprise about 75% of what's been designated on the land use map as the UDA. Ironically, back where the soccer fields are, we might be able to do it but that's not in the UDA. It's also next to the landfill and we think that's a more appropriate area for what is shown there, and have your development up near Route 1 but that's not the way the topography flows in this particular situation. So, it really comes down to the fact that the only way we can achieve the densities, both the commercial... you notice the impact on the commercial area as well, in fact an even more dramatic impact on the commercial area... the only way to achieve the commercial densities and the residential densities is by undoing this 2007 amendment to your P-TND Ordinance. So, we ask that you support the request for the amendment. And my understanding is that this needs to go back to the Board of Supervisors. I don't imagine that they would deal with it until the application in some form caught up with it. I also represent the owners, the brand new owner, of Leeland Station and Centreport. And their engineers are having some similar issues, particularly at Leeland Station, over on the other side of Leeland Road there. Thank you. I'm still within my (inaudible).

Mr. Howard: Thank you. You are well within the three minutes, thank you. Anyone else wishing to address the Planning Commission may do so by stepping forward to the podium.

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Mr. Waldowski: Paul Waldowski. Okay, now we're discussing three of the six UDAs and now we're going to amend our Zoning Ordinances so we can achieve the density for the appropriated land use here. So, you have something to really think about here because I brought up this stuff about the UDA where you brought in all these aspects and now these developers are coming along and they're realizing that these pieces of land, you can't live, play and work just like you think you can because we live in this really rural county. And I mentioned to you many times, just like west of I-95 and you can see how we've created a mess on that side. And now when we're looking at these UDAs, we're going to keep coming up with another amendment because we can't do the commercial side that's dictated by the law... I'm not here to redo the law... but here you are, you're redoing the laws and you are so adamant about picking all your numbers and putting 870 residential for Eskimo Hill. And I love the comment about Leeland because that's a really interesting aspect. And what I really cannot stand in this wording here is, what's this 25% and this 35%? Why don't we get a... it looks like we're writing this so we can take care of all six of the UDAs and maybe the seventh one is coming in here, because I've told you before, I'm not the dumbest tool in the toolbox but, if I don't understand this wording, I can bet that neither can any of the clowns that are on my t-shirt.

Mr. Howard: Thank you. Anyone else wishing to address the Planning Commission may do so by stepping forward.

Dr. Fetterolf: Mr. Chairman, members of the Board, Dr. Dean Fetterolf. This amendment to the Zoning Ordinance presents a particular problem for me in that what is being requested is to change an ordinance which affects over half of the developable land in the Comprehensive Plan that you have proposed. This request is coming forth by a developer so that he can build what he wants to on their particular property, but making this change affects half of the developable land in the County. You can't willy-nilly change ordinances at the request of anybody who comes before you. As I recall, to get this ordinance passed in the first place took quite a bit of effort. In fact, at a Board of Supervisors meeting a few weeks ago, one of the Supervisors who I'm sure wants to get rid of this based on what I understand, turned around and in fact was using it to oppose the development of a used car sales place because it was too close to a stream. You can't have it both ways, ladies and gentlemen. You can't make these willy-nilly changes to satisfy everybody who comes along. Thank you.

Mr. Howard: Thank you. Anyone else wishing to address the Planning Commission may do so by stepping forward. Seeing no one else advancing towards the podium, I will now close the public comment portion of the public hearing and bring it back to the Planning Commission.

Ms. Kirkman: Mr. Chair, I wanted to get a clarification from the attorney on something.

Mr. Howard: Okay.

Ms. Kirkman: During the public comment period, we heard that this change was necessary to build at the UDA density. But as I recall, the state statute regarding UDAs only requires localities to designate areas as UDAs. Are there any requirements that localities ensure that those UDAs get built at those densities?

Mr. Smith: Ms. Kirkman, I'm not wholly sure I understand exactly what you are asking. Are you asking whether the County is required under the UDA statute to provide the underlying zoning to support the designations provided in the Comp Plan to meet the UDA statutes? Or am I misunderstanding?

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Ms. Kirkman: I'm asking is there a requirement that the... that what gets built within the UDA get built to the density specified in the UDA legislation. Because there's a difference between designating something on a map and actually building it out.

Mr. Smith: So you're asking if the County has a duty to, for lack of a better term, make its best efforts to ensure that it could be built out to meet the UDA statute, or whether it could allow a build-out less than what the Comp Plan provides in meeting the UDA legislation.

Ms. Kirkman: Right; I'm asking about what the state requirements are regarding that.

Mr. Smith: Well, the UDA statute addresses the Comp Plan. It itself does not state that the County would then have to make the specific decisions I guess is the best way I can describe it that would meet the requirements of the UDA statute.

Mr. Howard: Alright, I'll start with Mr. Hirons. Are there any questions?

Mr. Hirons: No, I don't have any questions.

Mr. Howard: Ms. Kirkman?

Ms. Kirkman: No, that was my only question.

Mr. Howard: Mr. Mitchell?

Mr. Mitchell: No sir.

Mr. Howard: Okay. Mr. Rhodes? Mrs. Hazard? Mr. Fields?

Mr. Fields: Nope.

Mr. Howard: Alright, so it sits on the Planning Commission's desk. What's the will of the Planning Commission?

Mr. Mitchell: Mr. Chairman, I make a motion for approval...

Mr. Howard: To recommend approval.

Mr. Mitchell: ... to recommend approval.

Mr. Howard: Is there a second?

Mr. Hirons: Second.

Mr. Howard: Second by Mr. Hirons. Any discussion?

Ms. Kirkman: Mr. Chair, I'm going to oppose the motion. We've been told that the UDAs are supposed to be about smart growth. I think that destroying environmental protections within the P-

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TND legislation only goes to prove that the way Stafford County, the majority on the Board, is implementing the UDAs has everything to do with growth and nothing to do with smart.

Mr. Fields: Mr. Chair?

Mr. Howard: Mr. Fields?

Mr. Fields: I also oppose the motion; a number of reasons. First of all, I never supported the P-TND Ordinance as it's constructed. This is a great example of why I didn't. The concept of new urbanism and particularly of creating transect zones that create reasonable protections of environmental preservation were always conceptualized, at least in their theoretical underpinning of course, they're conceptualized as covering a significantly larger amount of territory than what our P-TND Ordinances was allowing, which is one of my primary objections to the ordinance from the get-go. And this is a great example of attempting to take a concept which tends to take a broad evolution of land use from natural preservation to highly urban. But if you look at how the (inaudible) works in the real world of course, it extends of course over a greater much vaster area so that the natural evolution of buffers and land uses makes some sense. Our ordinance, by allowing such small uses of it, creates all kinds of paradoxes of which this one creates. The other thing of course, the other opposition, is that the idea, though in concept once again, the idea that an individual can petition the Board or the Planning Commission for a change in the ordinance is a good... is a functionally democratic process. The idea that... once again, like most of the law, my personal feeling is that that's to ensure that the broad public interest is always preserved and protected and in this case there's no compelling public interest whatsoever to change the TND Ordinance, there's only one... there's the financial interest of one corporate entity with one proposed UDA. So this is a great argument for why the TND Ordinance is flawed, why the UDAs placement is flawed, and why our process of handling individual petitions is flawed. Thank you.

Mr. Howard: Thank you. Mrs. Hazard?

Mrs. Hazard: I guess I will say... are we in discussion mode?

Mr. Howard: Yes, because of the motion that was made.

Mrs. Hazard: Okay. I actually will be supporting the motion although I understand some of the concerns raised. I do believe that our reaching out to the Department of Conservation and Recreation, the Ches Bay, and getting their read on this was important and something we needed to do, and that they recommended that, or they at least agreed that it did not impact our program compliance and also that staff also listed some of the Comp Plan policies that they believe are in effect and that would mitigate some of the any environmental... or excuse me... would make sure that our environmental regulations are intact. Thank you.

Mr. Howard: Thank you. Mr. Rhodes? No? Okay. I also will support the motion. I think staff did a very good job of pointing out that it actually eliminates a disincentive to develop projects within the P-TND zoning districts compared to other zoning districts that don't have provisions for, you know, additional protective buffers along intermittent streams and CRPAs. So I think that kind of levels the playing field and makes sense from an enforcement perspective. And again, as Mrs. Hazard pointed out, getting information from the State in terms of ensuring that we're not doing something that puts Stafford County in a position where we're not complying with the Chesapeake Bay Act was a pretty



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significant piece of information that we needed in order to make an informed decision. And I appreciate everyone's comments; I recognize some of us are on different ends of this spectrum but I appreciate the fact that everyone's been respectful to one another. And now I'll call for the vote. All those in favor of the motion before us signify by saying aye.

Mrs. Hazard: Aye.

Mr. Rhodes: Aye.

Mr. Mitchell: Aye.

Mr. Hirons: Aye.

Mr. Howard: Aye. Opposed nay?

Mr. Fields: Nay.

Ms. Kirkman: Nay.

Mr. Howard: The motion carries 5 to 2. Thank you. We're now on item number 7 which the amendment to the Zoning Ordinance which has attachments, Resolution R11-54, an FAR comparison chart and item number 3 in this amendment to the Zoning Ordinance which is proposed O11-10.

7. Amendment to Zoning Ordinance - The Board of Supervisors referred proposed Ordinance O11-10 to the Planning Commission. Proposed Ordinance O11-10 would amend Section 28-35, Table 3.1, "District Uses and Standards," of the Zoning Ordinance to numerically increase the maximum floor area ratio, by making it less restrictive, in the following zoning districts: B-1 Convenience Commercial; B-2 Urban Commercial; B-3 Office; RBC Recreational Business Campus; RC Rural Commercial; SC Suburban Commercial; M-1 Industrial Light; M-2 Industrial, Heavy; PD-1 Planned Development 1; and PD-2 Planned Development 2. **(Time Limit: June 1, 2011)**

Mr. Harvey: Mr. Chairman, please recognize Andrea Hornung for the presentation.

Mrs. Hornung: Good evening Mr. Chair, members of the Commission. This ordinance, O11-10, would amend Section 28-35, Table 3.1, District Uses and Standards in the Zoning Ordinance. And what this would amend would be the floor area ratios in the commercial zoning districts. And by amending the floor area ratios, it would make it less restrictive in the B-1 Convenience Commercial, B-2 Urban Commercial, B-3 Office, RBC Recreational Business Campus, RC Rural Commercial, SC Suburban Commercial, M-1 Industrial Light, M-2 Industrial Heavy, PD-1 Planned Development 1, and PD-2 Planned Development 2. The Resolution that was sent from the Board of Supervisors, R11-54, on February 1, 2011, referred this ordinance to the Planning Commission for discussion and recommendation. What has transpired in the work sessions with the Commission is that the floor area ratio was reviewed and looked at in comparison with Spotsylvania and Prince William Counties. The FAR, as we call it, the floor area ratio, is a ratio of the gross area of a building and square footage as compared to the site or the property of which the development is occurring. It's a measure of intensity of development and is also used in zoning to limit the amount of construction in a certain area. It also helps to regulate the size and the scale of buildings. The comparison chart that Mr. Howard referred

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to, which I do have if you would like to see it, as well as a visual descriptor of what an FAR is, can also be put on the screen for viewing if you like. The comparison chart actually shows the existing designations from Prince William and Spotsylvania County for their FAR designation in comparison to Stafford's by using their zoning districts that are very similar to Stafford's zoning districts. And just for example, in a range, for the Stafford County zoning districts that are commercial, which are the B-1, B-2, SC and RC, those current FARs range from .35 to .5. Spotsylvania has three designations; their FAR ranges from .5 to .1. Prince William also has three designations which range from .4... excuse me, .1 to .4. For office, Stafford has one designation that is .45. Spotsylvania has two designations that range from .7 to 1, and Prince William has four designations that range from .35 to 1.25. For the industrial, all localities have two designations of light and heavy, and Stafford County's range... excuse me, actually the designation for Stafford County is .35 for both light and heavy industrial. Spotsylvania County ranges 1.0 to 1.5 and Prince William is at .5. What is happened is that in the Board of Supervisors Community and Economic Development Committee the FAR was a discussion point and looked at increasing numerically the FAR which actually makes it less restrictive to be incorporated into the recommendations of the Economic Development Ten Point Plan. Because the existing FAR actually could cost additional... the cost could be additional in Stafford County as compared to the other localities because in order to build at Stafford County's FAR, you would need more land as compared to the other localities who have a numerically higher FAR, which means actually less restrictive. The change in the FAR is for commercial, industrial and the planned zoning districts, and the numerical designations in the proposed ordinance is an amount comparable to the adjacent jurisdictions to bring Stafford County in line and make it more competitive to develop at that FAR in those zoning districts. The proposed ordinance O11-10 is recommended for approval by staff to the Planning Commission. If you like, I can put any one of these items up to look at the ordinance and the numerical designations, unless you'd like further clarification.

Mr. Howard: Thank you Mrs. Hornung. I'll bring it back to the Planning Commission. I'll start with Mr. Hirons. Are there questions of staff?

Mr. Hirons: I would ask if the Economic Development Department were here if they're going to use this in marketing once this... if and when this is based. But since they're not here, it's not appropriate to ask.

Mr. Howard: Ms. Kirkman?

Ms. Kirkman: Yes, Mr. Chair, I have a number of questions. The first of which is how did you get the specific numbers? So how did you decide, for instance, to double the M-2 Industrial... or triple the M-2 Industrial from .35 to 1.0; like, how did you come up with these specific numbers?

Mrs. Hornung: The numbers were estimates in looking at the comparisons of the two localities and to bring the FAR closer or more in line with the neighboring localities which was the recommendation of the Board to bring the FAR closer so that the numbers would make Stafford more competitive and in line with the adjacent localities. Because if... currently, Stafford has .35; that's very restrictive. But when you're looking at Spotsylvania or Prince William, Spotsylvania has 1.0 and 1.5 and Prince William has .5. While these numbers are not set in stone, the Planning Commission does have the option or the authority... maybe the option's a better word... the Board of Supervisors has given the Planning Commission the option of revising these numbers to put... to recommend an FAR that is more comparable to the localities in the Planning Commission's opinion, if the Planning Commission is not comfortable with the existing proposed FARs as recommended by the Board of Supervisors.

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Ms. Kirkman: And it looks like this actually makes Stafford County near the highest FAR in each of the categories. Is that generally true?

Mrs. Hornung: It could in some instances. In comparison maybe it might be more than Prince William but it might be equal or less in Spotsylvania. I don't believe any one of the ones recommended in the ordinance exceeds Spotsylvania or Prince William's existing designation.

Ms. Kirkman: And you state that it could cost more to build in Stafford County because of the current ordinance. Was there any kind of economic analysis done to demonstrate that?

Mrs. Hornung: No, but if you're looking at the existing FAR for a district and, for example, an industrial where Stafford has .35, and then you're looking at Spotsylvania that ranges 1 to 1.5 or even Prince William who has a FAR of .5, the less restrictive FAR could essentially utilize less land to build. So if you need more land to construct at that FAR, then essentially by utilizing more land yes it could be more expensive. But no, there isn't any study to prove that. But just in the essence of needing more land to develop, that in itself will make it more expensive to develop.

Ms. Kirkman: And in coming to this conclusion, did staff also take into account the impact of the differential price of land in say Stafford County versus Spotsylvania?

Mrs. Hornung: No, a comparison of land was not conducted.

Ms. Kirkman: And there's a reference to staff... by staff in the report as land prices increase; is there any evidence that that land prices are currently increasing in Stafford County?

Mrs. Hornung: That study hadn't been taken but, if land does increase, then you could surmise that by land increasing then the cost of develop would increase as well.

Ms. Kirkman: And is there any kind of study or evidence that Stafford County has actually lost projects because of the FAR?

Mrs. Hornung: No, there has not been any evidence that Stafford has lost any development. But also, the Economic Department does not track that, that someone has not developed in Stafford specifically because of an FAR ratio compared to another locality. The County does not track whether development leaves the County because of any of our ordinances.

Ms. Kirkman: And has there been any analysis of the potential impact that will have on the ability of the County to collect proffers? Because right now to get a higher FAR a property owner would have to go through a rezoning application which would present the opportunity for the county to collect proffers. And with the de facto granting in an increased FAR without a rezoning, there's no ability to collect those proffers. Has there been any analysis of the potential impact of that change?

Mrs. Hornung: No. Actually by amending the FAR, if at any... the only way the County would collect proffers is if the applicant would change the zoning district. Now if, like we saw in a previous application, they, the applicant, wanted to increase their FAR compared to the County's existing FAR, by that only a conditional use permit would be the avenue to change the FAR. So only in a conditional use permit would you change your FAR of your existing zoning and no proffers are obtained at that point.

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Ms. Kirkman: I'm sorry, could we get clarification from the attorney or Mr. Harvey because I thought that CUP for FAR increases was something specific to hotels and not to FAR generally?

Mr. Harvey: Mr. Chairman, Ms. Kirkman, that is correct. It only applies to hotels presently in our code. As Mrs. Hornung pointed out, our zoning districts have a maximum FAR; there is no mechanism to increase that FAR currently available other than to change to another zoning classification.

Ms. Kirkman: Which is the point at which proffers could be collected.

Mr. Harvey: Correct.

Ms. Kirkman: And so that gets back... so is there any analysis of the potential impact of this on the County's ability to collect proffers?

Mrs. Hornung: No, there's no analysis on that.

Ms. Kirkman: Thank you. That's all Mr. Chair.

Mr. Howard: Thank you. Mr. Mitchell? Questions?

Mr. Mitchell: No questions Mr. Chairman.

Mr. Howard: Alright. Mr. Rhodes? No. Mrs. Hazard?

Mrs. Hazard: I believe I got the answer that I was looking for. But currently there is no mechanism that can change the... for an applicant to change their FAR unless it is a hotel, is that correct?

Mr. Harvey: That is correct.

Ms. Kirkman: Well, the mechanism is a zoning...

Mr. Howard: Mr. Fields? Ms. Kirkman, you're out of order. Mr. Fields?

Mr. Fields: Well, I'm just sort of asking a question about processing and maybe my recollection of our dialogue on this but I thought that we were not at liberty to change these numbers substantially? Because I thought at one point we had felt that that while it certainly makes sense to look down the road at flexibility of FARs in the form based code areas of the redevelopment areas that changing all of... changing the numbers on all of the commercial zoning districts on a somewhat... and I don't mean any disrespect... on a somewhat arbitrary or random basis was not really getting at what we thought was actually the gist of the problem, if there is a problem. Which I can see that there's a... there's always a potential problem to be flexible on floor area ratios if you're talking about urban style development. But this doesn't really address that and I thought we had thought that we were bound circumscribed to... at one point we said well why don't we just recommend no change and I thought we were then told that we have to change them some. Am I completely confused on this?

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Mr. Howard: Mr. Harvey, can you clear up that issue? We did have a lot of discussion and this has been... we've been back and forth. Mr. Fields' question is did the Planning Commission have the ability to make different recommendations in terms of numbers?

Mr. Harvey: Yes Mr. Chairman, when the Resolution R11-54 was passed, in the last paragraph it says that the Commission is authorized to make modifications to the amendment as it deems necessary. So my take on that is the Commission advertised Ordinance O11-10 as it was referred to you; you could modify those numbers for the proposed FAR to be... if you choose to modify them they have to be, or they could be somewhere between the existing FAR and the proposed.

Mr. Fields: You couldn't recommend no change?

Mr. Harvey: Well, certainly the Commission can recommend no change.

Mr. Fields: So within the flexibility of the... we had to advertise it this way, that's what I'm trying to clear up, we had to advertise it this way but we could recommend that our recommendation is to leave the strikethrough numbers as the standing numbers?

Mr. Harvey: That could be the Commissions' recommendation.

Mr. Fields: Okay, thank you.

Mrs. Hazard: Mr. Fields?

Mr. Howard: Yes Mrs. Hazard.

Mrs. Hazard: I believe when we went into the discussion, we did talk about advertising it as is and I believe at that time I did make the point that in order to bring out potentially anybody, we should show when advertising a change so that anybody who wanted to speak about it as opposed to showing the current... I believe at that time we did say we still were able to discuss it and return either range or anything. But that's my recollection.

Mr. Howard: Okay. Ms. Kirkman, I know you wanted to say something.

Ms. Kirkman: Well, I wanted to get clarification. First, I believe we had authority to actually advertise something different than what the Board sent us; is that correct?

Mr. Harvey: Yes, that's correct.

Ms. Kirkman: And I think some motions were made to that effect although I can't go through all the minutes right now and those motions failed. Because I think there was a motion to...

Mr. Howard: I think you're right.

Ms. Kirkman: ... send it without changes and that failed.

Mr. Howard: Yeah, Mrs. Hazard mentioned that.

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Ms. Kirkman: And was there also a motion to request the Board to give us more time to do this?

Mr. Harvey: Yes, I believe there was an extension granted at one point in time.

Mr. Howard: I think there would have had to have been because this has been since February.

Ms. Kirkman: I'm just trying to recollect the history on this.

Mr. Howard: Right. Yeah, this came to us February; February 2011. Okay; good questions. Any other discussion?

Ms. Kirkman: Mr. Chair? I'll make a motion that the Planning Commission recommend denial of the proposed changes to the floor area ratio and that the Board establish a joint committee with the Planning Commission to further explore this issue and what the need is.

Mr. Howard: Is there a second?

Mr. Fields: I'll second.

Mr. Howard: Second by Mr. Fields.

Mr. Fields: I'm not sure that we actually opened the public hearing?

Ms. Kirkman: Oh, I thought we already did.

Mr. Howard: We didn't; no, you're right. We're still in discussion.

Ms. Kirkman: The motion's out of order.

Mr. Fields: The motion's out of order.

Mr. Howard: Yes it is. So you have to withdraw... do you withdraw your motion?

Ms. Kirkman: This time I'll agree that it's out of order.

Mr. Howard: But you have to withdraw your motion.

Ms. Kirkman: I'll withdraw it.

Mr. Howard: On the microphone. So, officially Ms. Kirkman has withdrawn the motion. Do you accept that?

Mr. Fields: I accept that.

Mr. Howard: Okay. We'll now open up the meeting for public comment since we are in a public hearing. Anyone wishing to address the Planning Commission on the item before us... obviously you know what one of the motions is already, it's been revealed... may do so by stepping forward to the podium. I don't know if there was anyone in the hallway; I wanted to wait. Alright, seeing no one else

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advancing towards the podium and not hearing the door open, I will now close the public comment portion of this public hearing and bring it back to the Planning Commission for discussion. Ms. Kirkman, I think you had the floor.

Ms. Kirkman: Yes Mr. Chair, I'll make the motion again that the Planning Commission recommend denial of the ordinance as proposed and that the Board establish a joint committee with the Planning Commission to really study this issue and get some numbers behind it to understand the consequences.

Mr. Fields: Now I'll second that.

Mr. Howard: Okay, now we're in discussion. Ms. Kirkman has the first.

Ms. Kirkman: Mr. Chair, I made that because I do believe that there's a huge potential for unintended consequences. I'm particularly concerned about the increasing of the floor area ratio de facto for all the existing commercially zoned properties in the County and what the County loses in the ability to collect proffers in that... by doing that de facto increase.

Mr. Howard: Thank you. Mr. Fields?

Mr. Fields: Along similar lines and as I've stated in my earlier questions, I really feel that it's in... I have no doubt that there are circumstances where it's very desirable for this County to increase floor area ratios on specific parcels for specific projects, and I think we need to figure out how to get to that point rather than such a broad based change. I don't deny that increasing... like I said, I want to be clear... I don't deny that the possibility of increasing FARs in any commercial property is desirable to the public interest, but I don't think this approach gets to what protects the public from unintended consequences. Thank you.

Mr. Howard: Thank you. Mr. Mitchell?

Mr. Mitchell: Mr. Chairman, I make a substitute motion for approval of proposed Ordinance O... I'm sorry, O11-10.

Mr. Howard: Is there a second?

Mr. Hirons: Second.

Mr. Howard: Alright, so we have to vote on whether we're accepting the... right, Mr. Smith? Because that's a little different than we have done. Oh, that's a substitute. There you go... thank you. That's why I was getting confused. Alright, so is there a discussion?

Mr. Mitchell: Mr. Chairman?

Mr. Howard: Yes, Mr. Mitchell?

Mr. Mitchell: I believe that there are a number of instances, I can't write them down right now, but I believe there are a number of instances where we may have been held behind, we may have lost jobs, we may have lost employment, because of our existing FARs. I think the staff has done a terrific job in their presentation and their suggestions. There is no way that any group has ever tried to record

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numbers like did we lose a job specifically because of FAR? A lot of times we may have gained a job, gained a new commercial entity. A lot of it was wrapped around the lack of a business license tax and that benefitted Stafford County tremendously. I think this is another way of giving us a little bit more footage, a little bit more leeway, a little bit more leverage in general.

Mr. Howard: Mr. Hirons?

Mr. Hirons: Mr. Chairman, I share concerns with Ms. Kirkman and Mr. Fields of unintended consequences that may result in this. I lessen that with my... I'm looking for the right word... concern or comfort level that this will be good for economic development for the County. While Mr. Mitchell is right, it hasn't been... any sort of measurement has not been done for really being able to realize whether or not we've lost economic development opportunities due to our floor area ratio. It's something that I hope the Economic Development Department will take into consideration as it surveys potential applicants, businesses that may move here, on whether or not this is a direct result of increased economic development or if it has no affect at all. I think that would be an important measure as time goes on if we're doing the right thing here. I was kind of facetious in my question of I would ask the Economic Development Department if they'll utilize this in their marketing of the County and I most certainly hope that they will since it seems to be done at not necessarily at their request but their comments to the committee of the Board of Supervisors. So I hope it turns into a good thing for the County but I do share concerns with my fellow colleagues.

Mr. Howard: Thank you.

Mr. Rhodes: Mr. Chairman?

Mr. Howard: Mr. Rhodes?

Mr. Rhodes: I would... these comments, actually I would have extended the same comments with the first motion that I will with the substitute motion. It seems to me from our discussion thus far that there is, well, clearly as stated and not particularly cited, this is an issue. The Economic Development folks certainly said that it can do nothing but enhance their efforts. I don't see where it'd be any negative associated with that. But in looking at the information and the very extensive efforts that were taken to look at a comparative Prince William County and a Spotsylvania County, our neighbors north and south, I think it is striking in a couple fronts. First off is in the categories of office, industrial and planned or other, our various zoning types are fairly similar; there is a good deal of similarity. In the commercial portion they seem to be a little bit more disparate in just the terminology and the classification and capturing of them. In those, the former three, office, industrial and planned/other, it seems very clear and striking that we have a much more restrictive floor area ratio. I don't know that it stands out as intuitively or informed to me that the same is the case for the commercial. I might... what I would have said on the motion and I will say on the substitute motion, I would be more inclined to looking a little further possibly at what is the right balance on the commercial portion, but I feel we do need to move forward probably with these are the right recommendations as deals with the office, industrial and planned/other portions. Those are clearly areas where we are overly restrictive compared to our neighbors and in all the discussion and logic it really would make sense to make those adjustments. In the commercial I think that could merit possibly some deeper and further analysis as to what exactly is the right floor area ratio for those categories. Thank you Mr. Chairman.

Mr. Howard: Thank you.



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Mrs. Hazard: Mr. Chairman?

Mr. Howard: Mrs. Hazard?

Mrs. Hazard: I wanted to... this would have been, also like Mr. Rhodes, spoken to either of the motions on the floor, first, thanks so much to staff for the myriad of information that we requested and asked for and kept coming back at. So thank you for trying to get all that to us. Although I feel I want to be supportive and be flexible for business, I believe that potentially the better way to go about that at this point is either through some kind of process to allow that to happen. We have come up with that for hotels, we've come up with a CUP, we've come up with something that there is a mechanism to be able to accomplish this because as demonstrated by several applicants ago, we needed to look at Fire and Rescue, we needed to look at a lot of different things when we were increasing FAR clearly with a hotel. But I think that is something we need to look at. I agree with Mr. Rhodes. I'm not sure I would be comfortable voting on this whole slew of (inaudible) without further, I hate to say analysis, because certainly staff gave it to us. But I would be more comfortable making sure that we have that mechanism. I was intrigued by Arlington County's ability to increase FAR based on green standards and found that to be a nice model for us. So, at this point, I don't feel comfortable; although I support business, I'm not sure this is the correct mechanism at this time.

Mr. Howard: Thank you. I know I haven't spoken yet, and I probably would have said the same on both motions. I do feel that the County is somewhat at a disadvantage and albeit it's not quantitative at the moment. But when you do look across the, you know, the different FAR comparisons, whether it's commercial, office, industrial or planned and other, clearly Stafford County has, compared to Spotsylvania and Prince William in these two cases, we're somewhat... we've handicapped ourselves. And I know it's not intentional; it's the sign of the times, it's a sign of the fact that Stafford County is ever evolving in many different ways and it's been said several different times tonight. We want to do it in a smart way and I certainly want to see that occur as well, all of us having family here and hoping to be here for a long time. So, I will support the motion though I do think you could argue the commercial piece... I'm not even sure that I would do that but I know that was a comment. There's been an awful lot of work and effort that's gone into this and, you know, I would support it as stated.

Mr. Rhodes: Mr. Chairman?

Mr. Howard: Yes.

Mr. Rhodes: I make a motion to amend the substitute motion to recommend... to strike the commercial portion out of that as recommending forward those changes and that that portion would be for further study to analyze it to be confident in the right changes, but that we go forward with recommending the cited changes for office, industrial and planned/other.

Mr. Howard: Is there a second on the amendment?

Mrs. Hazard: Second.

Mr. Howard: Alright, so now you've amended the substitute motion. So now we do have to vote on whether we accept the amendment. Alright, so... all those in favor of accepting the amendment to the substitute motion, which is removing the commercial out of the...

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Mr. Rhodes: Recommended changes.

Mr. Howard: ... recommendation sending forward to the Board of Supervisors...

Mr. Rhodes: And recommending further study on the commercial (inaudible).

Ms. Kirkman: Mr. Chair, before you call the vote could I get clarification from what the motion maker is defining as commercial? So does that include PD-1 and PD-2?

Mr. Rhodes: B-1, B-2, SC, RC, as is on the handout dated January 14, 2011, that categorizes commercial, office, industrial and planned/other.

Ms. Kirkman: I see.

Mr. Rhodes: As is on the other handout as well.

Mr. Howard: The original handout.

Mr. Fields: RBC also, Mr. Rhodes?

Mr. Rhodes: RC.

Mr. Fields: But not RBC?

Mr. Rhodes: Correct.

Ms. Kirkman: Where would you put the planned and others? You would not alter those?

Mr. Rhodes: I would not alter those. So it would be to drop from the substitute motion as recommending forward the changes, the recommendation associated with the B-1, B-2, the SC and the RC. So it would be, therefore, moving forward the recommended changes on the B-3, M-1, M-2, PD-1, PD-2, P-TND and RBC, with the former B-1, B-2, SC and RC, those would be recommended that we do further study on a joint committee of some form to decide what is the right... be confident in the right FAR recommendations. Thank you Mr. Chairman.

Mr. Howard: Did that answer your question?

Ms. Kirkman: Yes it did. And I am going to vote to support the motion to amend the substitute motion really as a harm reduction.

Mr. Howard: Okay. Let me call for the vote on the... on Mr. Rhodes' motion. All those in favor of adding that to the substitute motion signify by saying aye.

Mr. Fields: Aye.

Mrs. Hazard: Aye.

Mr. Rhodes: Aye.

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Mr. Mitchell: Aye.

Ms. Kirkman: Aye.

Mr. Howard: Opposed nay?

Mr. Hirons: Nay.

Mr. Howard: Nay. The motion carries 5 to 2; not the normal 5 to 2.

Mr. Fields: Go figure.

Mr. Howard: Okay, that motion carried. So Mr. Mitchell's motion is amended as voted on by a majority of the Planning Commission. All those in favor of...

Ms. Kirkman: Mr. Chair, I have yet to have that opportunity to speak on the substitute motion.

Mr. Howard: I thought you did but go ahead Ms. Kirkman.

Ms. Kirkman: No, I spoke on the amendment to the substitute. Now we're on the substitute. And Mr. Chair, I'm going to oppose the substitute motion for the reason that I previously cited in making my original motion, and that is we have a mechanism in place right now to increase the FAR. It's a rezoning process. And through that rezoning process it's the only opportunity the County has... at which the County has the ability to collect proffers to mitigate the impact of the development on the taxpayers and homeowners of this County. And this is de facto a rezoning in some ways but without collecting the proffers. So for that reason I'm opposing it.

Mr. Howard: Okay. I'll now call for the vote on the amended... on the substitute motion rather made by Mr. Mitchell. All those in favor of the substitute motion which now carries the amendment of Mr. Rhodes' motion signify by saying aye.

Mrs. Hazard: Aye.

Mr. Rhodes: Aye.

Mr. Mitchell: Aye.

Mr. Hirons: Aye.

Mr. Howard: Aye. Opposed nay?

Mr. Fields: Nay.

Ms. Kirkman: Nay.

Mr. Howard: The motion carries 5 to 2. That was interesting. Thank you very much everyone; appreciate that. Planning Director's Report?

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PLANNING DIRECTOR'S REPORT

Mr. Harvey: Thank you Mr. Chairman. I wanted to bring to the Commissions attention that we have two upcoming TRC meetings, one on June 8<sup>th</sup> and also a second one on June 22<sup>nd</sup>. The plans for June 8<sup>th</sup> meeting is a construction plan for Ambrose Estates, which is in the Hartwood District and also the plan for the meeting on the 22<sup>nd</sup> is Sycamore Hills, which is in the Aquia District. Staff will look forward to anybody that wants to volunteer to attend these meetings.

Mr. Howard: Okay.

Mrs. Hazard: I should be at June 8<sup>th</sup>.

Mr. Howard: June 8<sup>th</sup>, Mrs. Hazard. Okay. Anything else Mr. Harvey?

Mr. Harvey: No sir that concludes my report.

Mr. Howard: Thank you. County Attorney's report Mr. Smith?

COUNTY ATTORNEY'S REPORT

Mr. Smith: No report Mr. Chairman.

COMMITTEE REPORTS

8. Transfer of Development Rights (TDRs) (**In Joint Committee**)

Mr. Howard: Thank you. I know there is a TDR meeting tomorrow I believe scheduled. Okay. Number 9, Item 9 is the Telecommunications Plan, which is in the packet. And I know there has been a lot of great work done on this and I am sure Mr. Fields and Mr. Hirons may have a thing or two to say as well as staff.

9. Telecommunications Plan Update (**Time Limits: May 31, 2011 - Joint Committee completes work and forwards to Planning Commission; August 1, 2011 - Planning Commission conducts public hearing and makes a recommendation**)

Mr. Fields: Did you get the part where it says free cell phones for everybody in Stafford County?

Mr. Howard: Sounds good, as long as you put a tower on your house.

Mr. Fields: This would be the best place to live in all of the U. S.

Mr. Howard: Put a tower with a beacon on your house.

Mr. Fields: Well you get a free cell phone if you have a tower in your yard.

Ms. Kirkman: Won't that be everybody with a tower every mile?

Mr. Howard: Just about.

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Mr. Fields: Do you mind if I go first?

Mr. Hirons: Absolutely, I am almost out of voice so...

Mr. Fields: Oh okay.

Mr. Hirons: I will let you...

Mr. Fields: I hope everybody has had a chance to read it and I certainly don't want to reiterate all of this stuff. I think the two... probably two or three of the salient features that are really significant is that particularly after some rather negative things that happened in the process of the last tower vote. And other... our interviewing people from all over the Commonwealth and getting a lot of information. This plan does not recommend... there is no recommended proximity or placement of towers in terms of miles. What is recommended is that after our interviews particularly with a lot of the experts, the consultants, is that the placement of a tower depends on a number of factors. Whether a tower is necessary, quote unquote necessary or not and of course really the only people in a position to understand the necessity of a given tower location are people that understand the nature of the technology and therefore the basic recommendations is there is no defined proximity or location on distance of towers but there is a requirement that any applicant for cell tower... telecommunications tower of any kind. That the County select and hire a third party consultant to be paid for by the applicant to determine from an objective standpoint what is the necessity or not the necessity of a tower. We have all seen how the applicants always say their tower amazingly enough always show the propagation map show their tower is necessary and of course nobody on staff, or the Planning Commission or the Board of Supervisors has the technical expertise to evaluate if those are accurate or not. So and the minute you put a number whether it is a mile or five miles or ten miles you start to suddenly create obvious unintended consequences as we saw. So we thought that was probably a better solution. Another very salient feature is the expanding of the potential location of towers. First of all is to start to use as a priority the co-location on existing buildings or structures and then the locating of publically owned lands is also somewhat new. We interviewed people from all of the departments of the County, Utilities, Schools, Parks and Rec, everybody that has... that is... you know there is considerable amount of publicly owned land. While it had been the initial intent long time ago not to have the County competing with private land owners for the location of cell towers, obviously we know that the technology and the need for these things is changing and evolving and we are realizing that finding the optimum location that serves the public need and is not in any way a detriment to the public interest requires a more expansive view of where towers and how they can be sited. And so that is the other major change that is really in here. It will eventually, we will at some point have to contemplate some mechanism for creating the waivers... the location of towers and land other than industrial zoned and agriculturally zoned if we want to contemplate the location of towers on public property which has many different zoning... underlying zoning districts. But that is obviously is contemplated on a waiver or CUP type basis, certainly not on a broad... on an open basis. And then there is quite a bit of other information here about how to minimize impacts and maximize service to the citizens and the consumers. So I... assuming we are just sort of presenting this as a committee report we will have this for new business on the next meeting.

Mr. Howard: I am not sure we will have to talk about that in a minute. But in your discussions, Ms. Kirkman will know exactly what I am talking about my grandfather was a founding member of the IBEW in New York City, a long, long time ago. And he had the opportunity to install some of the first antennas ever put up on the Empire State Building. Now did that come into discussion, I know we just

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discussed vertical buildings and FAR, but is there a way to leverage the commercial... I know you have specific recommendations but did that come up in discussion? I think if Geico's building, as an example, this huge monstrosity...

Mr. Fields: Sure.

Mr. Howard: ... a beautiful building, I am not picking on Geico. Great employer here locally in Stafford County, but what would happen if... you could probably put two towers on their building...

Mr. Fields: No, I think...

Mr. Howard: ... an not really impact anything.

Mr. Fields: I believe and I believe you should find it, Mr. Hirons jump in if I am wrong, but you should find that yes we... that was part of the whole process that the nature and location of antennas and all types of devices...

Mr. Howard: Even the Quantico Corporate Center along 95, who really cares?

Mr. Fields: No, yes exactly right. We are trying... and that is why we need a mechanism to get... part of it is our own desire on a basic concept obviously industrial zoned property and agriculturally zoned property is on a, you know a... it makes sense but obviously in the modern era if we need more towers to profile and location of them on different types of structures is going to be more valuable to the County. So the short answer is yes, we considered...

Mr. Howard: Okay.

Mr. Fields: ... the possibility of any place you could put a tower and almost any technology you could use to create cell signals.

Mr. Howard: So from a procedural perspective I think...

Ms. Kirkman: Mr. Chair?

Mr. Howard: Ms. Kirkman.

Ms. Kirkman: Before we go into the...

Mr. Howard: Sure.

Ms. Kirkman: ... procedural aspect I did have a content question for the committee.

Mr. Howard: Absolutely.

Ms. Kirkman: Did you all and it is following up on the notion that where these towers which no matter how much you try to make them look like trees or church towers or what have you, they just don't. And has there been any discussion... so the idea, the notion of putting them on the commercial buildings and in those sites makes sense. I wonder about the corollary of that being, was there any

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discussion of discouraging placement of towers in areas of like X residential density. So like if you have less than, I don't know... and I don't know what the number would be but if you have less than 50 residents per 200 square miles, not square miles, 200 acres that would not be a good location for a tower. You know, something along those lines.

Mr. Fields: Yes. I don't think we actually talked about residential density per say as a factor.

Mr. Hirons: No it does not address density, just somewhere in here it discourages in residential locations. It does not really define necessarily residential.

Ms. Kirkman: Because I know like we almost have the opposite on our cable contracts where we require new cable networks if the residential density meets like so many houses per mile. And I am wondering if the opposite might make sense in this context.

Mr. Fields: That is certainly another factor worth looking into. It is not something we looked at specifically, but we looked at many other factors. Particularly co-location on water towers, school buildings, you know school sites where you have you know field rec... lights for recreational fields. Where you have a... the basic view shed of the site it already, I won't say cluttered but already has a multiplicity of structures so that... not a giant tower, but a tower or a structure of some sort might be efficient. So those are the types of things we looked at, we did not look at a density thing and that certainly seem logical.

Mr. Hirons: Mr. Chairman, we do address your question on page 9 of the setting the priorities for location. Number 1 is co-location on existing buildings or structures.

Mr. Howard: Good.

Mr. Hirons: That is when we really discussed commercial buildings.

Mr. Fields: Right.

Mr. Hirons: I think Quantico Corporate Center was kind of discussed specifically.

Mr. Howard: Yes that is kind of a no brainer.

Mr. Hirons: Because it is right along 95.

Mr. Howard: Yes.

Ms. Kirkman: Mr. Chair, I thought you were suggesting that when the guidelines be, that the towers be constructed with union labor?

Mr. Howard: No, not at all, no. Thank you.

Mr. Fields: We could include that though.

Mr. Howard: No.

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Mr. Fields: That is a brilliant suggestion.

Mr. Howard: Yes, I don't think that is going to fly. I don't think you can do that legally.

Mr. Fields: Sadly no.

Mr. Howard: Not yet anyway. Okay so I think from a procedural perspective, I think this... do we have to get this on our June 15<sup>th</sup> as Mr. Fields indicated?

Mr. Harvey: Yes Mr. Chairman.

Mr. Howard: Okay. So we need a motion to put it on new business or unfinished business.

Mr. Harvey: Technically it would...

Ms. Kirkman: Business or public hearing? Do we have to do a public hearing on this?

Mr. Fields: I thought the process comes from a... well, in theory, I don't know if we have a rule...

Ms. Kirkman: I just don't understand.

Mr. Fields: It just comes out of a committee and it is placed for new business so that it is a public discussion of...

Mr. Howard: And then we send it to the Board.

Mr. Fields: ...content by all members and then we decide to send it to public hearing.

Mr. Hirons: As a part of the Board's original Resolution didn't it direct us to report back to them with something?

Mr. Harvey: Yes Mr. Chairman and Mr. Hirons.

Mr. Howard: Yes, Mr. Harvey.

Mr. Harvey: The Board's directive was that the Commission could conduct a public hearing and make a recommendation by August 1<sup>st</sup>. Given that timeline the Commission would need to discuss the matter and schedule the public hearing at your next meeting.

Mr. Howard: Right because we have a shortened July.

Mr. Harvey: Correct, so it would come to public hearing on July 13<sup>th</sup>.

Mr. Howard: It would come to public hearing on July 13<sup>th</sup>?

Mr. Harvey: Yes sir.



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Mr. Howard: Okay. So we would get it on our agenda for the next meeting. We would render a vote to authorize a meeting and that gives you enough time to advertise and all the things you need to do?

Mr. Harvey: Yes sir.

Mr. Howard: Okay.

Mr. Hirons: I would make the motion to put the Telecommunications Plan on our agenda under new business for our next meeting.

Mr. Fields: Second.

Mr. Howard: Discussion?

Ms. Kirkman: Thank you both for your work on this.

Mr. Howard: Yes, well done.

Mr. Fields: I do also want to...a huge thanks to staff. They were... they did a brilliant job of keeping the information flowing and keeping a whole sequence of very organized but complicated ideas moving so that we could get our heads around it and hopefully get somewhere with it.

Mr. Hirons: Absolutely. In addition to the Telecommunications member I really enjoyed serving on the Committee with Mr. Fields.

Mr. Howard: Good.

Mr. Fields: Likewise Mr. Hirons.

Mr. Howard: Yes, well done. Good job. Thank you. Okay all those in favor of the motion to...

Mr. Mitchell: Mr. Chairman.

Mr. Howard: Oh Mr. Mitchell.

Mr. Mitchell: Could I make a quick comment?

Mr. Howard: You may; we are in discussion.

Mr. Mitchell: I do want to thank both of my co-members of this Planning Commission, Mr. Fields and Mr. Hirons. I do believe they have done a terrific job, I do believe they have done a ton of research. I am very pleased with the document. The only portion that does not please me is item thirteen on page twelve. And I am still concerned about putting the minimal amount of lighting and the minimal amount of blinks and the minimal amount of... everything is minimal. My great fear... my great fear and I just want to present this for the record, is that most of the people that bring a tower specifically will lower it three to seven to ten feet below the maximum height. Which precludes them putting lighting on it. But they will bring it up within just a few feet of the actual maximum limit. My fear is that the only ones that will get any lighting at all would be some vendor that wants an eight hundred

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foot tower. That is the only one that is going to get any kind of lighting. And then the lighting he is going to get, I am still concerned is he is going to get minimal, white only and in a... all of us have been in thunderstorms and when you look through the thunderstorm white really looks white, the rain looks white, the light looks white so that is my only concern. I do support it, I do support pushing this on, I think it is a quality product. But I still am very concerned on page twelve, item thirteen.

Mr. Howard: Thank you. Okay, any other discussion? Hearing none I will now call for the vote. All those in favor of the motion to put this on our next agenda as new business signify by saying aye.

Mr. Fields: Aye.

Mrs. Hazard: Aye.

Mr. Rhodes: Aye.

Mr. Mitchell: Aye.

Ms. Kirkman: Aye.

Mr. Hirons: Aye.

Mr. Howard: Aye. Opposed nay? The motion carries 7 to 0. Well done, thank you. No Chairman's report. We do have...

Ms. Kirkman: Mr. Chair?

Mr. Howard: Yes.

Ms. Kirkman: I do have a question about one of the things we were handed in terms of the revised schedule.

Mr. Howard: Yes.

Ms. Kirkman: So we have a sticky on the revised schedule that says August 17, 2011 is a good date, inadvertently had a strike-through on it, but August 17<sup>th</sup> does not have a strike-through on it. So I just wanted to clarify exactly what the schedule is.

Mr. Howard: I don't have that.

Mr. Fields: The second page.

Ms. Kirkman: Second page.

Mr. Howard: Oh, second page.

Mr. Harvey: Mr. Chairman the previous handout that staff had given to the Commission had the strike-through.

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Ms. Kirkman: Got it. Thank you.

Mr. Howard: Alright. Good question. I did not turn that page. Okay I don't have a report. We do have minutes from April 16<sup>th</sup> if someone would like to move for approval of those.

**CHAIRMAN'S REPORT**

No report.

**OTHER BUSINESS**

**APPROVAL OF MINUTES**

*April 6, 2011*

Mr. Fields: Move for approval.

Mr. Mitchell: Second.

Mr. Howard: Okay, any discussion on the minutes? Hearing none I will now call for the vote on approving the minutes of April 6, 2011. All those in favor signify by saying aye.

Mr. Fields: Aye.

Mrs. Hazard: Aye.

Mr. Rhodes: Aye.

Mr. Mitchell: Aye.

Ms. Kirkman: Aye.

Mr. Hirons: Aye.

Mr. Howard: Aye. Opposed nay? The motion carries 7 to 0. The meeting is adjourned. Thank you.

**ADJOURNMENT**

With no further business to discuss, the meeting was adjourned at 9:30 p.m.